

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
1	Tentative Permit, Page 1, Finding 1; Fact Sheet, Page F-1, Para. I.1.A; and MRP, Page T-1.	Reference to City of Los Angeles	The Tentative Permit and all accompanying documents should reference the City only as "the City" or "the Permittee," and not as "the Discharger." This would recognize the City, like the Regional Board, as a branch of government providing a valuable public service to its constituents. The term "Discharger" connotes that nothing of value is being achieved by the City's treatment processes and discharge. Additionally, this change would be consistent with Page 25, where the City of Los Angeles is re-defined as "(the City)."
<b>Response:</b>	The term "Discharger" is standard language used throughout the California Water Code, and has been consistently and historically used in numerous permit attachments such as "Standard Provisions", which are made a part of every NPDES permit issued by the Regional Board.		
<b>Action:</b>	No change is warranted.		
2	Tentative Permit generally	Tentative Permit and Fact Sheet	Since much of the information in the Tentative Permit is already contained in the Fact Sheet, it is not required to be duplicated in the permit particularly when the Permit expressly references that much of the background information is in the Fact Sheet. 40 C.F.R. §124.56, <i>applicable to States through</i> 40 C.F.R. §123.25(a)(32). The permit should be used mostly as the regulatory document providing the Bureau with the requirements with which it must comply. Pages and pages of findings that can be located in the Fact Sheet would streamline the permit and make it a much more user-friendly document. The proper place for information on the basis for permit requirements is in the Fact Sheet, not the permit. 40 C.F.R. §124.8. <i>applicable to States through</i> 40 C.F.R. §123.25(a)(27).
<b>Response:</b>	This is the current format of NPDES orders adopted for all POTWs. The State Board is in the process of re-formatting NPDES permits to streamline the permit writing process. However, in the interim, this Regional Board will continue to use the current format.		
<b>Action:</b>	No change is warranted.		
3	Tentative Permit and M&RP Generally	Inconsistent Outline Numbering	The outline numbering is inconsistent throughout both the Permit and the M&RP. The numbering should be made consistent throughout the documents.  For example, M&RP has outline-numbering VI.4.A.a on page T-9 through T-11 that should be VI.D.1.a. Similarly, the Tentative Permit has outline numbering IV.5.B.a on pages 38 and 39 that should be IV.E.2.a
<b>Response:</b>	Regional Board staff disagree. The above outline numberings are consistent throughout both the Permit and the M&RP. However, Regional Board staff did find some other inconsistent numberings, which have been corrected.		
<b>Action:</b>	Changes have been made.		
4	Tentative Permit, Page 1, Finding 4; Fact Sheet, Page F-3	Reference to Vicinity Map in Figure P1	The map of the Los Angeles Harbor is outdated and does not show Pier 400, which is important for discussions of the current outfall location and dilution of TITP effluent. Since Finding 13 notes the existence of Pier 400, the map should be updated to also reflect the pier's location.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made. The updated vicinity map shows the location of Pier 400.		

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

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5	Tentative Permit, Page 2, Finding 5	Prohibition References	This Finding of the Tentative Permit references only Order No. 85-77, yet there were other orders and resolutions related to this issue that should be referenced as well, such as Res. No. 94-009, which required the discharge to be phased out at the earliest practicable date.
<b>Response:</b>	Regional Board staff agree to revise the statement as follows: <del>Therefore on</del> <u>On November 25, 1985, this Regional Board issued Order No. 85-77, requiring the City to cease the TITP discharge to the Harbor at the earliest practicable date. Additionally, on October 31, 1994, the Regional Board issued Resolution No. 94-009 to approve the proposal by the City to phase out the discharge of wastewater effluent from TITP into the Harbor through implementation of a water recycling plan.</u>		
<b>Action:</b>	Changes have been made.		
6	Tentative Permit, Page 2, Finding 6A. and Fact Sheet, Page F-4, Paragraphs f. and g.	Disinfection Requirements	Tertiary effluent disinfection is not part of the TITP wastewater process. Since TITP is not built to disinfect its tertiary effluent, permit requirements for disinfection are not appropriate. The Bureau requests all references to disinfection of tertiary effluent and associated monitoring requirements be removed from this permit.
<b>Response:</b>	Chlorination is not routinely used to treat tertiary effluent in the TITP, but is still part of wastewater treatment process in the TITP, when primary or secondary treated effluent is discharged into the Harbor during emergency conditions. Regional Board staff will not delete the chlorination statement from Finding 6.A. of the Permit and Finding 3.A., 3.A.f., and 3.A.g. of the Fact Sheet. However, Regional Board staff agree to modify the chlorination statement and delete the relevant disinfection requirements.		
<b>Action:</b>	Modifications have been made.		
7	Tentative Permit, Page 3, Finding 11	Description of Water Recycling Facility	The last sentence on page 3 implies that the purpose of the facility is "to ultimately phase out discharge of wastewater into the Harbor," but brine from the Advanced Wastewater Treatment Facility (AWTF) recycling system is expected to continue to be discharged to the Harbor indefinitely.
<b>Response:</b>	Regional Board staff agree to modify the statement as "...Resolution No. 94-009 to ultimately phase out discharge of <u>the tertiary-treated</u> wastewater into the Harbor"		
<b>Action:</b>	Change has been made.		
8	Tentative Permit, Pg 4, Finding 11.B.	Total Recycling by 2020	The timeline of 2020 to phase out discharge from the harbor should be reflected in the later findings of Discharge Requirements on Page 25, which purport to prohibit discharge to the harbor and to require cessation of discharge at the earliest practical date.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
9	Tentative Permit, Page 5, Finding 14	Exceptions to Discharge Prohibition	The Tentative Permit or Fact Sheet should reference the exceptions to any general discharge prohibition, and discuss if these exceptions currently apply.
<b>Response:</b>	This Regional Board has not exempted any discharge from complying with the State Board Resolution No. 74-43, "Water Quality Control Policy for the Enclosed Bays and Estuaries of California."		
<b>Action:</b>	No change is warranted.		

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

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10	Tentative Permit, Page 5, 2nd line and Table P1	Outfall Coordinates	<p>The coordinates for the end of Discharge Serial No. 001 are incorrect. State of the art navigational technology permits accuracy to within 3 m (10 ft) for coordinates. Corrected coordinates were obtained aboard M/V <i>Marine Surveyor</i> using both Differential Global Positioning Satellite (DGPS) and depth meter for optimal accuracy on January 18, 2005.</p> <p>The City requests that the Regional Board revise the coordinates for the end of the discharge point in the text and Table P1 as follows:</p> <p>“... and ends at Latitude <del>33° 43' 21.8”</del> <u>33° 43' 19.56”</u> and Longitude <del>118° 14' 33.4”</del> <u>118° 14' 36.24”</u> .” and in Table P1 for the August 1996 coordinates as follows: Lat. <del>33° 43' 21.8”</del> <u>33° 43' 19.56”</u>, Long. <del>118° 14' 33.4”</del> <u>118° 14' 36.24”</u>”</p>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
11	Tentative Permit, Page 6. Finding 18. Table P2, Fact Sheet, Table F2, Page F-8.	Corrected Effluent Data Tables	Reference used for Table P2 and Table F2 should be corrected to “2003 Annual NPDES Report”. There are significant errors in Tables P2 and F2. Attachments 6 include corrected headings and data for Tables P2 (Permit) and F2 (Fact Sheet).
<b>Response:</b>	Regional Board staff do not agree. Regional Board staff used the 2003 effluent data provided by the City to conduct the calculations and believe Tables P2 and F2 are accurate with the exception of the copper average, which has been revised. Data were reported with varying detection limits (such as 1.5 µg/L and 2.0 µg/L for copper). So that staff needed to look at the data on an average bases. These Tables are for information only, and not for any regulatory reason.		
<b>Action:</b>	Titles of Tables P2 and F2 have been changed.		
12	Tentative Permit, Page 6-7, Finding 18, Fact Sheet, Pages F-8 through F-11	Remove Effluent Characteristics Tables from Tentative Permit and include in Fact Sheet Only.	As discussed previously in comment 2, much of the permit information, including the tables on effluent characteristics, are also found in the Fact Sheet (see e.g., Fact Sheet Pages F-8 through F-11) and need not be duplicated in the permit since these merely represent background information and not regulatory numbers. In addition, this table shows just one year of data, not the entire range of data used to calculate reasonable potential, so this is not particularly helpful to the reader/user of the permit. Therefore, the Bureau requests that this information be removed from the Tentative Permit and included only in Fact Sheet only.
<b>Response:</b>	It is our routine practice to include the effluent characteristics Table in the permit. These data may reflect the current operation and condition of the treatment plant. In the permit, only detected pollutants are listed. The Table in the Fact Sheet covers all pollutants monitored.		
<b>Action:</b>	No change is warranted.		
13	Tentative Permit, Page 7, Finding 20	Bacteria counts at Cabrillo Beach	<p>The first sentence leaves the impression that TITP effluent is linked to bacteria on a distant beach, but this implication is invalidated by the remainder of the paragraph. The entire paragraph is unnecessary and should be deleted from the final Tentative Permit.</p> <p>Alternatively, the first sentence could be revised to read:</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			<p>"High bacteria counts appear at Cabrillo Beach, which may be exposed to the <u>have been found not to be caused by</u> TITP effluent."</p> <p>A model used in 1993 to simulate effluent mixing in the Harbor predicted dilution ratios in the range of 424:1 at the Cabrillo Shallow Water Habitat for the Stage I Pier 400 configuration that was finished construction in 1998. Monthly ambient monitoring by EMD confirms these simulations in finding that surface salinity anomaly values at stations near the habitat were at background levels, with high (over 250:1) dilutions already reached in half the distance from the TITP diffuser to Cabrillo Beach. The high level of shipping activity and urban run-off in this area provides potential sources for bacteria.</p>
<b>Response:</b>	Regional Board staff agree to revise the first sentence.		
<b>Action:</b>	Changes have been made.		
14	Tentative Permit, Page 7, Findings 21 and 22; Fact Sheet, Page F-12, items 1 and 2	Reference to Mixing Zone Study	The permit and all accompanying documents should consistently reference the Mixing Zone Study, rather than "Study of Dilution Ratios" or "dilution credits study".
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
15	Tentative Permit, Pg 8, Finding 22	Table P3 Dilution Ratio Cases	The Bureau questions why a currently non-representative dilution ratio from Case C for 2020 was selected rather than the actual (Case A) or projected (Case B) dilution ratio likely to be in place by end of permit in 2009. There seems to be no underlying rationale to this selection, except as the most conservative, since it is a hypothetical case that may happen 15 years in the future. If hypothetical cases are allowed, then only ones that might occur within the five-year window of the permit should be considered, such as Case B.
<b>Response:</b>	The dilution ratios of Cases A and B are based on the tertiary flow of 17 mgd with the different factors. The current quantity of tertiary-treated effluent discharged into the Harbor fluctuates and ranges between 15 and 23 mgd. The dilution ratio study did not provide sufficient information to cover the current daily maximal flow. Therefore, for the protection of aquatic life, human health, and receiving water quality, the most conservative dilution credit of 61 was chosen for the acute and chronic situations in calculating the final effluent limits.		
<b>Action:</b>	No change is warranted.		
16	Tentative Permit, Page 8, Finding 24; Fact Sheet, Page F-13, item 4	Use of the 0.4 Contour Line in the Mixing Zone Study	The Tentative Permit questions the use of the 0.4 contour line. This contour line was selected for the following reasons: (1) the area roughly approximates the area monitored currently as part of TITP's NPDES self-monitoring program, and (2) there has never been any evidence to suggest dilution less than 250:1 exists at that distance from the outfall (see Mixing Zone Study at page 24). The Mixing Zone Study delineated the zone in which monitoring is required as the chronic mixing zone and applied the simulated dilution ratios.

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			The SIP conditions were assessed based on this delineation.
<b>Response:</b>	Regional Board staff disagree with the use of the 0.4 contour, because the 0.4 contour line actually extends beyond the monitored area (Compare the NPDES water quality sampling stations in Fig. 2-3 with Fig 3-2 of the Mixing Zone Study). The 0.4 contour line extends north and eastward <i>beyond</i> the current monitoring area. The other dilution ratio estimates mentioned on p. 24 are not adequate evidence to support the proposed chronic dilution ratio in the range of 153-215. Page 24 of the study cites a 424:1 dilution ratio at the Cabrillo Shallow Water Habitat, which is very far (approximately one mile) from the 0.4 contour line. The second dilution ratio of 250:1 is based on a salinity anomaly, which is not a dilution study proper. Calculations using the 0.4 contour line approximate a very long residence time.		
<b>Action:</b>	No change is warranted.		
17	Tentative Permit, Page 8, Finding 24; Fact Sheet, Page F-13, item 4	Findings Regarding Dilution	<p>The Tentative Permit includes a statement that “The Study also did not discuss the possibility of overstating the chronic dilution ratio by combining the results of the nearfield and farfield simulations in an additive manner.” However, page 21 of the Mixing Zone Study notes that the acute mixing zone is encompassed within a volume of dimensions 800-ft long x 50-ft wide x 32-ft deep, or 0.1 million ft<sup>3</sup>. In comparison, the CH3D Harbor model grid encompasses the diffuser within four grid cells. The total volume of these four depth-averaged cells is approximately 8.8 million ft<sup>3</sup>. It was conservatively assumed that there would be no additional dilution within this volume 88 times larger than the volume for which acute dilution was calculated. Neglecting this additional dilution likely accounts for the majority of the discrepancy between simulated dilutions (~150:1) and measured dilutions (&gt;250:1).</p> <p>The State Board technical reviewer of the Mixing Zone Study who originally made this statement in a September 3, 2004 memo, and after clarification by the City later <u>retracted this statement</u> in a subsequent memo dated December 8, 2004 by stating that: “I was thinking here that the farfield dilution would be overstated by ‘double counting’ the mixing achieved in the nearfield with the farfield. I see now that this would only occur for a contour line contained within the physical boundaries of the acute mixing zone. The water surface directly above the outfall defines the acute mixing zone, and that area is just under one acre (800 ft x 50 ft = 40,000 ft<sup>2</sup> = 0.92 acres). From Figure 3-2 of the report, it appears that all contour lines of 0.8 or less are larger than the acute mixing zone. Therefore, it’s safe to say that <u>the farfield dilution ratio is estimated correctly in the report.</u>”(emphasis added) The Bureau requests that Finding 24 and related portions of the Fact Sheet be updated to be consistent with the <u>final</u> position of the SWRCB’s technical review of the Mixing Zone Study.</p>
<b>Response:</b>	The dilution ratio may be correctly modeled, but that does not mean that the Regional Board should use that value for the dilution credit. The Regional Board has discretion to grant a mixing zone and, according to the SIP, the mixing zone shall be as small as practicable. The minimal initial dilution credit of 61 accepted results from the near-field simulation. There are no regulations defining the far-field simulation.		
<b>Action:</b>	No change is warranted.		
18	Tentative Permit, Page 8, Finding 24; Fact Sheet, Page F-	Finding Regarding Plume Oscillations	The Tentative Permit includes a statement that “it is unclear if they accounted for plume oscillations induced by tidal flow reversals.” The Army Corps of Engineers’ Harbor model, which was used for the Mixing Zone Study, does in fact account for tidal flow within the

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

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	13, item 4		harbor. Results presented in the Mixing Zone Study from the model are a snapshot at the end of a 30-day simulation period recognized as providing the least amount of dilution [most environmentally protective assumption]. The Bureau requests that the currently misleading statement referenced above be removed from Finding 24.
<b>Response:</b>	Regional Board staff agree to revise Finding 24 as "The Study did not ... in an additive manner. Furthermore, it is unclear if they accounted for plume oscillations induced by tidal flow reversals. In light of ..."		
<b>Action:</b>	Change has been made.		
19	Tentative Permit, Page 8, Finding 24; Fact Sheet, Page F-13, item 4	Application of the Acute Dilution Ratio as the Chronic Ratio	Harbor water quality is regulated by the State Implementation Policy (SIP), not by the Ocean Plan. Therefore, the Tentative Permit's requirements, which are similar to the minimum initial dilution ratio found in most ocean discharge permits, are inappropriate. The policy for mixing zones contained in the SIP allows for <u>two distinct mixing zones</u> and dilution ratios as presented in the Mixing Zone Study. Uncertainties were applied during the Mixing Zone Study when running the model simulations to yield minimum [more conservative] dilution effects. Additional and unsupported conservatism applied by the Tentative Permit unreasonably ignore this Study's results. The final Permit should allow a chronic mixing zone as shown in Figure 4-1 of the Mixing Zone Study and the associated chronic dilution credits summarized in Table 3-B of the Mixing Zone Study [acute 86:1, chronic 215:1].
<b>Response:</b>	We have found no compelling evidence to change the dilution ratios. If the City provides additional data, which support a different dilution ratio and shorter residence time, the permit can be reopened.		
<b>Action:</b>	No change is warranted.		
20	Tentative Permit, Pages 7-9, Findings 22-25; Fact Sheet, Pages F-12 to F-13.	Dilution Ratios	The Tentative Permit suggests that the most conservative dilution credit of 61 was chosen for calculating final effluent limits for the purpose of protecting aquatic life, human health and receiving water quality, and for the consideration of simplicity. Choosing this most conservative route is not supported by evidence in the record, particularly since four other dilution scenarios have been deemed appropriate depending on the actual flow scenario. In lieu of selecting only one dilution credit, the Regional Board should specify the likely flow scenarios during the life of the permit and provide the appropriate dilution credits applicable to each scenario, just as is laid out in Table P3. This Regional Board has adopted differing effluent limits based on differing regulatory and factual scenarios in the past (see e.g., Order No. R4-2003-0143 at pgs. 27-29). A similar action should be taken here so that the dilution ratio(s) allowed more accurately apply to each of the likely flow scenarios and is neither under or over protective.
<b>Response:</b>	Regional Board staff understand that the City has proposed different dilution credits scenarios. The Regional Board must take the most conservative dilution credit of 61, because there is no compelling information to suggest that another dilution credit is warranted. Please also see Response on Comment Nos. 15 and 19.		
<b>Action:</b>	No change is warranted.		
21	Tentative Permit,	Date correction	"6/1593" should be "6/15/93"

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

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	Page 9, Finding 26, Table P4 Task No. V. Report of Compliance		
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
22	Tentative Permit, Page 9, Finding 26	Out of Date Scheduling Information in Table P4	<p>Table P4 should be revised to update as follows:</p> <p>Revise Title for Table as follows:  <u>"Table P4 – Former Time Schedule for Compliance  The City has complied with the Time Schedule for Compliance"</u></p> <p>Task No. III under Comments: Delete phrase <u>"This TASK is behind Schedule."</u> Comment is not accurate, as task has been completed.</p> <p>Task No. VII, Item a, under comments, revise as follows:  <u>"Design of filtration-Filtration</u> facility is <u>fully operational complete</u>. <u>Construction is underway."</u></p> <p>Task No. VII: Delete Item b. as exemption was obtained based on Resolution 94-009.</p>
<b>Response:</b>	Regional Board staff agree to revise accordingly. However, Task No. VII, Item b. has been kept in the proposed Permit, because Table P4 records the "Time Schedule for Compliance" requested by the current Permit Order No. 93-014.		
<b>Action:</b>	Some changes have been made.		
23	Tentative Permit, Page 10, Finding 28; Fact Sheet, Page F-15.	Editorial Change	After the first clause in the first sentence of the second paragraph "For inland surface waters not characteristic of freshwater" move up the parenthetical from below "(including enclosed bays, estuaries, and wetlands)" to make clear that bays are included from the outset.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
24	Tentative Permit, Page 11, Finding 28; Fact Sheet, Page F-15.	Ammonia Dilution Credit	<p>The Tentative Permit states that the revised ammonia criteria apply at the end of pipe. This means that none of the approved dilution ratios discussed above will be used. The Regional Board should provide dilution for ammonia as well as for other constituents.</p> <p>If insufficient information exists to properly calculate final effluent limits, then the Regional Board should use SIP Section 2.2.2.A. as guidance to require additional monitoring in lieu of a final numeric limit, and utilize the re-opener clause when adequate data exists to calculate the final limits.</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
<b>Response:</b>	Regional Board staff disagree. The SIP only applies to the 126 priority toxic pollutants, not to ammonia. Furthermore, information on the ammonia concentrations in the receiving water during different seasons is not available. The City needs to conduct monthly sampling for ammonia in the receiving water for one year. Once the data are available, the permit will be reopened and the dilution ratio for ammonia may be granted, if the City demonstrates that the ammonia concentrations in the receiving water are less than the saltwater ammonia criteria throughout the year. The reopener in the revised tentative permit will allow this.		
<b>Action:</b>	No change is warranted.		
25	Tentative Permit, Page 12, Finding 29; Fact Sheet, Page F-16 to F-17.	Risk Factors	The Tentative Permit states that a demonstration that a less protective risk factor may be used has not happened in California. This is incorrect. The State of California has adopted a $10^{-5}$ risk factor under Proposition 65 to regulate toxic pollutants into sources of drinking water and a $10^{-4}$ risk factor for drinking water regulation. When EPA promulgated the NTR and CTR, it identified that the State could choose either $10^{-5}$ or $10^{-6}$ and either would be protective. See 57 Fed. Reg. 60848, 60895 (Dec. 22, 1992); 65 Fed. Reg. 31682, 31699 (May 18, 2000). The $10^{-6}$ factor was selected by USEPA based on the factor adopted in the 1991 Inland Surface Waters Plan, which was judicially overturned and later rescinded for failure to properly consider the Water Code Section 13241 factors for the criteria and risk factors selected. Thus, the State has the ability to choose $10^{-5}$ when adopting effluent limits for these criteria, particularly if the assumptions used in promulgating these criteria are not present in beneficial uses of the receiving water. <i>Id.</i>
<b>Response:</b>	Regional Board staff disagree. The City did not provide any results of studies, in accordance with the procedures set forth in Chapter 3 of USEPA's Water Quality Standards Handbook: Second Edition (EPA-823-B-005a, August 1994), to demonstrate that a different risk factor is more appropriate.		
<b>Action:</b>	No change is warranted.		
26	Tentative Permit, Pages 12-13, Finding 32, Page 20, Finding 52.A.c., and Fact Sheet, Page F-17 to F-18	No MUN Beneficial Uses	The beneficial uses of the receiving waters listed do not include a domestic and municipal supply (MUN) use, yet effluent limits are being set in this permit based on water quality objectives adopted to protect only the MUN use. <i>See e.g.</i> , Basin Plan at 3-11 and 3-15 (objectives for MBAS and Radioactivity applicable only to "waters designated for use as domestic and municipal supply (MUN)"). Because these objectives only apply to an MUN use, the Bureau requests that the Regional Board remove the limits for MBAS and radioactivity.
<b>Response:</b>	The Regional Board staff agree that MUN is not listed as a beneficial use for the Los Angeles Harbor. Regional Board staff, based on Best Professional Judgement (BPJ), use radionuclide MCLs as effluent limits for radioactivity because it is the only scientifically-based regulatory criteria available. For MBAS, using BPJ, we have translated the narrative in the Basin Plan, that water "shall not contain floating materials, including solid, liquids, <b>foams</b> , and scum, in concentrations that cause nuisance or adversely affect beneficial uses", into a numeric limit. Therefore, for the protection of water quality, 0.5 mg/L (the secondary drinking water standard for MBAS) is the only scientifically-based regulatory criteria available. At a concentration of 0.5 mg/L or less, there should not be any adverse impact or nuisance caused in receiving waters.		
<b>Action:</b>	No change is warranted.		



**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
27	Tentative Permit, Page 13, Finding 32; Fact Sheet, Page F-18.	Protection of Beneficial Uses	The Tentative Permit states that effluent limits must protect both existing and potential beneficial uses. However, this protection need not be at the same level. Since the potential use may never occur, effluent limits may reflect current, site-specific conditions to avoid unnecessary regulation. The California Water Code only requires effluent limits where <u>necessary</u> for the protection of beneficial uses. Water Code §13377. If the uses change, then the Regional Board may reopen the permit and impose additional requirements to protect those new uses.
<b>Response:</b>	The mission of the Regional Board is to enhance and to protect designated beneficial uses in this region. As such "Potential" beneficial uses must be protected. In addition, no special limits were included based solely on the potential uses.		
<b>Action:</b>	No change is warranted.		
28	Tentative Permit, Page 13, Finding 33, and Fact Sheet, Page F-18, Para. 7	Applicability of Antidegradation Policy	Amend the following sentence as follows in both the Tentative Permit and Fact Sheet, if the duplicative findings found in the Fact Sheet are not removed from the Tentative Permit: "As applicable, the State and federal policies are designed to ensure that a water body will not be degraded by a permitted discharge, <u>except in accordance with the degree of change in water quality recognized and allowed under Res. 68-16 and Water Code §13241 and §13263, or 40 C.F.R. §131.12.</u> "
<b>Response:</b>	The following underlined language, which is similar but more appropriate, will be added to the Paragraph: "...from the permitted discharge, <u>except under the conditions established in the State Antidegradation Policy and the federal regulation.</u> "		
<b>Action:</b>	Some changes have been made.		
29	Tentative Permit, Page 13, Finding 35.; Fact Sheet, Page F-19, IX.1.	Water Quality Objectives	The Tentative Permit states that "Water Quality Objectives (WQOs) and effluent limitations in this permit are based on:" However, permits do not prescribe WQOs, only effluent limitations and receiving water limitations (RWLs). The term "Water Quality Objectives (WQOs)" should be replaced with "Receiving Water Limitations (RWLs)".
<b>Response:</b>	This is standard language in all recently adopted NPDES permits. "Water Quality Objectives" are specified in the Basin Plan.		
<b>Action:</b>	No change is warranted.		
30	Tentative Permit, Page 14, Finding 35, Sections A and B; Fact Sheet, Page F-19	Use of Guidance	The Regional Board may not rely solely upon non-regulatory guidance to regulate the City's discharge. Such an action would violate the Water Code and the Administrative Procedures Act. For this reason, all references to guidance should be separated from references to statutes and formally adopted regulations, and it should be made clear that these guidance documents are not binding.
<b>Response:</b>	Regional Board staff did not rely solely on guidance, however, the following footnote has been added "Please note that guidance documents are not binding, but are used solely for guidance, using BPJ, for permit development."		
<b>Action:</b>	Changes have been made.		
31	Tentative Permit, Page 14, Finding 35, Section A.a.; Fact	Water Quality Standards Definition	"Water quality standards" is a federal term of art that is defined as designated uses and the water quality criteria adopted based upon such uses. Clean Water Act section 303(c)(2)(A), 33 U.S.C. §1313(c)(2)(A). The California Water Code contains no definition for water quality

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
	Sheet, Page F-19.		standards, so the federal definition controls. Thus, the Tentative Permit's characterization of water quality standards as "(beneficial uses + objectives + antidegradation policy)" should be changed to "(designated beneficial uses + water quality criteria/ objectives)" to be legally accurate. See 33 U.S.C. §1313(c)(2)(A).
<b>Response:</b>	Regional Board staff disagree. The USEPA defines a Water Quality Standard as "beneficial use + objectives + antidegradation policy".		
<b>Action:</b>	No change is warranted.		
32	Tentative Permit, Page 14, Finding 35, Section B.c., Page 17, Finding 47, Fact Sheet, Pages F-19 and F-23	Best Professional Judgment	The Tentative Permit cites to 40 C.F.R. §122.44 as legal justification for the use of the undefined term "Best Professional Judgment." However, this term is not found in this regulation and cannot be support for this "basis" for the effluent limitations included. This section, if applicable at all, sets forth specific instances and procedures for determining when effluent limitations must be applied in permits. See 40 C.F.R. §122.44("In addition to the conditions established under §122.43(a), each NPDES permit shall include conditions meeting the following requirements <u>when applicable</u> ") (emphasis added).
<b>Response:</b>	The State Board and the Regional Boards are in the process of developing a standardized permit format, which will be used in the near future. However, until that process is complete, we will continue to write permits consistent with those we have issued in the past.  The inclusion of water quality based effluent limitations (WQBELs) in an NPDES permit is not random. WQBELs are included in a permit if reasonable potential has been established, according to 40 CFR 122.44(d). In fact, some limits have been deleted from the permit because there was no reasonable potential for the discharge to cause, or contribute to, an exceedance of a water quality objective. The authority for BPJ is contained in Section 402(a)(1) of the Clean Water Act which authorizes approved States to issue a permit containing "such conditions as the Administrator determines are necessary to carry out the provision of this Act..."		
<b>Action:</b>	No change is warranted.		
33	Tentative Permit, Page 14, Finding 35.A.; Fact Sheet, Page F-19, Section IX.1.A.	Porter Cologne Act	The Porter-Cologne Water Quality Act (Water Code §13000 et seq.) appears to be missing. This citation should be included in the list of State statutes and regulations.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
34	Tentative Permit, Page 15, Finding 36; Fact Sheet, Page F-20, para. 2, Page F-20, paras. 5-6	Mass Limits	The Tentative Permit and Fact Sheet correctly state that "40 C.F.R. §122.45(f)(1) requires that except under certain circumstances, all permit limits, standards, or prohibitions be expressed in terms of mass units." However, the permit and Fact Sheet ignore that one of the certain circumstances is "when the applicable standards and limitations are expressed in terms of other units of measurement" (e.g., concentration). See 40 C.F.R. §122.45(f)(1)(ii).  Notwithstanding the fact that the standards and limits for all of the constituents are

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			<p>expressed as concentration, the Tentative Permit includes more than just concentration limits. The Tentative Permit justifies the mass limits in addition to the concentration limits based on the alleged finding that “mass-based limits ensure that proper treatment, and not dilution, is employed to comply with the final effluent concentration limitations.” However, the Fact Sheet does not contain any evidence to prove that the City is not using proper treatment or that the City is diluting or has the ability to dilute its effluent. Thus, the mass limits imposed in addition to concentration limits are not necessary, appear punitive without reason, and should be removed.</p> <p>The Tentative Permit imposes mass limits during dry and wet weather unlike other permits recently issued by the Regional Board, which did not impose mass limits during wet weather. At the very least, if the mass limits are not removed entirely, the Regional Board should make the mass limits applicable only in dry weather.</p>
<b>Response:</b>	Regional Board staff agree that the mass limits are applicable only in dry weather. The inclusion of concentration limits does not preclude the inclusion of mass limits. 40 CFR section 122.45(f)(1)(ii) does not act as a bar to imposing both limits, but expresses a preference for mass limits. Further, 40 CFR section 122.45(f)(2) explicitly states that “pollutants limited in terms of mass additionally may be limited in terms of other units of measurement, and the permit shall require the permittee to comply with both limitations.” (See also the USEPA’s TSD at pp. 110-111).) As detailed in the Fact Sheet and accompanying Order, the tentative permit includes mass and concentration limits for some constituents in order to protect the designated beneficial uses. <b>Furthermore, State Board Order Nos. WQO 2003-0009 and WQO 2003-0012, upheld the concurrent use of mass-based and concentration-based effluent limits in the CSDLAC Whittier Narrows, Los Coyotes, and Long Beach WRP permits.</b>		
<b>Action:</b>	Changes have been made on Footnotes for proposed final effluent limits for conventional, nonconventional, and toxic pollutants.		
35	Tentative Permit, Page 15, Finding 37; Page 21, Finding 52.B.a.iii.; and Fact Sheet, Page F-20 to F-21, Para. 3	Impracticability Analysis Required Prior to the Imposition of Daily Max Limits	<p>Without any evidence cited in support, this boilerplate Finding language concludes that “it is impracticable to include only average weekly and average monthly effluent limits in the permit, because a single daily discharge of certain pollutants, in excess amounts, can cause violations of water quality objectives. The effects of pollutants on aquatic organisms are often rapid.” See also Fact Sheet at F-29.</p> <p>The impracticability analysis required by 40 C.F.R. §122.45(d)(2) must be done on each individual effluent limit, not as a blanket statement without supporting evidence that is really no analysis at all. As such, the Regional Board must analyze the following constituents for impracticability of weekly average limits in lieu of the currently proposed final and interim daily and/or instantaneous maxima limits: BOD, TSS, Oil &amp; Grease, Settleable solids, Total Chlorine Residual, Radioactivity, including Gross alpha, Gross beta, combined radium 226 &amp; 228, Tritium, Strontium, Uranium, Copper, Lead, Mercury, Nickel, Silver, Cyanide, Bis(2-ethylhexyl)phthalate, Total Ammonia, and Dieldrin.</p> <p>The Regional Board continues to not recognize the exemption for publicly owned treatment works under 40 C.F.R. §122.45(d)(2) and is improperly applying the requirements of Section 122.45(d)(1), applicable only to industrial discharges, to justify daily limits and</p>

**Response to Bureau of Sanitation Comments**  
**On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			<p>presumably instantaneous maximum limits.</p> <p>In addition, case law applies this rule to all constituents, even those that have the ability to be acutely toxic. In the case of <i>City of Ames, Iowa</i>, EPA Environmental Appeals Board, NPDES Appeal No. 94-6 (Apr. 4, 1996), EPA contended that a maximum daily limit for <u>ammonia</u> may be imposed because it is impracticable to meet water quality standards by using an average weekly limit. The hearing officer determined that EPA's contention was not well founded, as it <i>is</i> practicable to meet water quality standards using an average weekly limit for ammonia. The decision stated that this issue of fact was relevant to the pertinent decision in that the use of the maximum daily limit in the NPDES permit may have the effect of unreasonably increasing the risk of non-compliance with a resulting substantial increase in operating costs to avoid non-compliance. The hearing officer determined, "as the regulation makes clear, the Regional Administrator does not have unlimited discretion to include daily limits; maximum daily limits may be included in a permit for a POTW only if weekly average limits are impracticable." On remand, the Regional Administrator was directed to reconsider the factual issue of whether it would be practicable to state the effluent limitations as weekly and month averages. If it would be practicable, then such averages were to be included in the permit and the daily maximum and instantaneous limits should be removed and replaced with weekly averages. This decision is binding upon EPA Region IX. Similar decisions are binding upon the Regional Board. See <i>City of Los Angeles v. SWRCB and LA Regional Board</i>, Los Angeles Superior Court, Case No. 060957 at 12-13 (Apr. 4, 2001) (daily max issue not appealed by SWRCB or LA Regional Board, and therefore is binding on the Boards); <i>In the Matter of East Bay MUD</i>, State Board Order No. WQO 2002-0012 at pg. 21.</p> <p>Any potential reliance upon the SIP is unfounded; the State Board previously held that the Regional Board was required to perform the impracticability analysis notwithstanding the SIP's requirements. See <i>supra East Bay Municipal Utility District, et al.</i>, SWRCB Order No. WQO 2002-0012 at 20-21 (July 2002). Furthermore, prior to authorizing the use of daily maximum limitations in POTW permits for compliance with aquatic life criteria, the SWRCB did not properly demonstrate or include evidence that the imposition of average weekly and average monthly effluent limitations for the protection of aquatic life is "impracticable" per the requirements of 40 C.F.R. §122.45(d)(2). Therefore, any alleged authorization of daily maximum limitations for POTW for compliance with aquatic life criteria based on the SIP must fail as inconsistent with federal requirements. See Water Code §13372 (requiring state program to be consistent with federal requirements under the CWA). As such, the Regional Board must remove all daily maximum final effluent limitations based on aquatic life criteria unless and until the Regional Board conducts an individualized analysis of each constituent and provides evidence in the record of impracticability.</p> <p>Furthermore, some of the daily or instantaneous maximum limits included in the Tentative</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			Permit are for long-term human health protection (designed to provide protection for 70 years of exposure, not for acute effects). These limits are for constituents, such as those for mercury, bis(2-ethylhexyl)phthalate, dieldrin, which are based on CTR Human Health criteria, and such as radioactivity, which is based upon MCLs that are regulated as annual averages in the drinking water context for which they were designed. See e.g., Fact Sheet at Page F-36. There is no evidence that these human health limits are impracticable to apply as monthly or longer averages.
<b>Response:</b>	<p>The lawsuit brought forth by the City against the State Board and the Los Angeles Regional Board has not yet been resolved, and as such, should not be cited. A decision by the California Supreme Court is still pending.</p> <p>USEPA and the Regional Board are not precluded by 40 CFR Part 122.45(d)(1) from setting daily or instantaneous maximum limits for POTWs and EPA recommends such limits, in lieu of weekly average limits, for POTWs in water quality based permitting (see TSD, Section 5.2.3). The issue of adopting daily maximum and instantaneous maximum limits for POTWs was already addressed by the State Board in its precedential Order WQO 2002-0012, in the Matter of the petition of East Bay Municipal Utility District (EBMUD) and Bay Area Clean Water Agencies [SWRCB/OCC Files A-1396 and A-1396(a)]. In its precedential EBMUD decision, the State Board found that the Regional Board properly used daily maximum effluent limitations in the permit to protect against acute water quality effects and that doing so was in accord with EPA's guidance on writing water quality-based permits. Nonetheless, on remand, the State Board directed the Regional Board to include a finding in the permit explaining the impracticability of weekly average limits. The TITP permit is consistent with the EBMUD precedential Order, because the permit already contains a Finding explaining the impracticability of weekly average limits. Finding No. 37 serves that purpose. Therefore, no change is necessary.</p> <p>The discharge limitations for radioactivity are based upon the best available science and have been included as a daily maximum in recent permits adopted by the Regional Board.</p>		
<b>Action:</b>	No change is warranted.		
36	Tentative Permit, Page 16, Finding 41, and Fact Sheet, Page F-21, Para. 7	Delete Recitation of Possible Justifications under the Clean Water Act	Each effluent limitation must be justified as to its individual basis. This recitation of possible justifications is irrelevant and should be deleted as unsupported by the evidence in the record.
<b>Response:</b>	This is standard language found in all NPDES permits. Finding 41 merely references the specific sections of the Clean Water Act which are applicable to the discharges regulated by the NPDES Order and permit.		
<b>Action:</b>	No change is warranted.		
37	Tentative Permit, Page 16, Finding 42; Fact Sheet, Page F-21	Antibacksliding	This Finding inaccurately cites to 40 C.F.R. §122.44(l) as being applicable antibacksliding provisions and this citation should be removed. However, these regulations are not applicable because they only apply to technology-based limitations derived under CWA Section 402(a)(1)(B). The applicable requirements are found in the CWA at sections 402(o) and 303(d)(4) since these statutory requirements superseded the previous regulatory requirements. See <i>In the Matter of the City and County of San Francisco</i> , 1993 EPA App. LEXIS 24, *55 (NPDES Appeal No. 91-18, EPA Env'l App. Bd. (Mar. 24, 1993)).

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
<b>Response:</b>	Finding No. 42 is a standard finding regarding Antibacksliding included in all adopted POTW permits. In addition to referencing 40 CFR 122.44(l), it also references CWA Sections 402(o) and 303(d)(4).		
<b>Action:</b>	No change is warranted.		
38	Tentative Permit, Page 16, Finding 43, first paragraph, Page 20; Finding 52.A.b. and c.; Fact Sheet, Page F-21, para. 9, Page F-39, Para. C.a.i.	Numeric Limits	These Findings improperly state that either 40 C.F.R. 122.44(d)(vi)(A) [sic] or, more generally, Section 122.44(d) requires the establishment of <b>numeric</b> effluent limitations. This is incorrect, a recent appellate decision binding on the Water Boards states that the federal regulations cited only require effluent limitations of some sort, but that these limits need not be numeric. <i>Communities for a Better Environment v. State Water Resources Control Board</i> (2003) 109 Cal.App.4th 1089, 1104 [1 Cal.Rptr.3d 76], reh'g. den., 2003 Cal.App. LEXIS 1082 (1st. Dist. June 27, 2003), cert. den., 2003 Cal. LEXIS 7251 (Sept. 24, 2003). For this reason, the word "numeric" must be removed from this finding.
<b>Response:</b>	40 CFR 122.44(k)(2) clearly states that NPDES permit shall include Best Management Practices (BMPs) to control or abate the discharge of pollutants when numeric effluent limitations are infeasible. The term "infeasible" relates to the determination of what the scientifically-based criteria should be, not the difficulty in complying with it. Federal regulations clearly do not exclude the imposition of a numeric WQBEL. Therefore, the statements in those Findings are appropriate.		
<b>Action:</b>	No change is warranted.		
39	Tentative Permit, Page 16, Finding 43, second paragraph; Fact Sheet, Page F-22, para. 9	CTR Constituents	The Tentative Permit inaccurately states that the California Toxics Rule (CTR) promulgated 23 aquatic life criteria and 57 toxic pollutant human health criteria. This is incorrect. The CTR promulgated <u>24</u> aquatic life criteria and <u>92</u> human health criteria. 40 C.F.R. §131.38(b).
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
40	Tentative Permit, Page 16, Finding 43, second paragraph, and Fact Sheet, Page F-22, para. 9	Justification of the Use of Narrative Water Quality Objectives	<p>It is unclear based on the findings and Fact Sheet, which limits, if any, are based on a narrative water quality objective. This must be clarified and if no limits are based on narrative objectives, then this Finding should be removed.</p> <p>If narrative objectives were used to set limits, then the use of 40 C.F.R. §122.44(d) to justify these effluent limitations is inappropriate. Federal regulations require that "[w]here a State adopts narrative criteria for toxic pollutants to protect designated uses, the State must provide information identifying the method by which the State intends to regulate point source dischargers of toxic pollutants on water quality limited segments based on such narrative criteria. Such information may be included as part of the standards..." See 40 C.F.R. §131.11(a)(2); Attachment 7. Therefore, in order to implement a narrative water quality objective through the permitting process, the Regional or State Board must first identify the method for "translating" the narrative criteria into a number and then actually translate the narrative objective into a numeric effluent limitation, with the explanation of the</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			<p>latter translation set forth in the Fact Sheet. See SWRCB Tentative Permit No. WQO 95-4. Furthermore, before the Regional Board may impose numeric effluent limitations based upon a proper translation of a narrative water quality objective, the Regional Board must consider the factors set forth in Cal. Water Code § 13241, including economics and the status of the waterbody, for the newly translated objective. See Cal. Water Code §13263(a). If this Finding is maintained either in the permit or the Fact Sheet, the last sentence should be amended to change the phrase “fully protect” to “<u>reasonably</u> protect” in accordance with the requirements of Water Code §13263(a).</p> <p>This finding should also state that federal regulations envision a review of feasibility at the wastewater permitting stage to determine if strict numeric effluent limits must be required, or whether more flexible Best Management Practices (“BMPs”) can be imposed instead. (40 C.F.R. §122.44(k)(3); <i>Communities for a Better Environment v. State Water Resources Control Board</i> (2003) 109 Cal.App.4th 1089, 1104 [1 Cal.Rptr.3d 76], reh'g. den., 2003 Cal.App. LEXIS 1082 (1st. Dist. June 27, 2003), cert. den., 2003 Cal. LEXIS 7251 (Sept. 24, 2003) (finding alternative effluent control strategies, source control measures, and best management practices to be valid alternatives to numeric effluent limits pursuant to 40 C.F.R. §122.44(k)).</p>
<b>Response:</b>	<p>The issue of adopting numeric WQBELs to implement narrative WQOs was already addressed by the State Board in its precedential Order WQO 2002-0012, in the Matter of the petition of East Bay Municipal Utility District (EBMUD) and Bay Area Clean Water Agencies [SWRCB/OCC Files A-1396 and A-1396(a)]. In its precedential EBMUD decision, the State Board found that federal regulations (40 CFR 122.44) clearly require effluent limitations to enforce narrative WQOs and that such federal requirements prevail over California Water Code provisions for NPDES issues.</p> <p>The City referenced 40 CFR Part 133.11(a)(2), however, they failed to include the entire citation, which reads as follows, in its entirety (underlined portion was omitted by the City): “Such information may be included as part of the standards <u>or may be included in documents generated by the state in response to the Water Quality Planning and Management Regulations (40 CFR Part 35).</u>” The Water Quality Control Plan for the Los Angeles Region, commonly referred to as our “Basin Plan”, contains that information.</p> <p>Pursuant to the California Water Code, economics only need to be considered if the State were to adopt a new standard. Economics do not need to be considered during the NPDES permitting process.</p>		
<b>Action:</b>	No change is warranted.		
41	Tentative Permit, Page 17, Finding 46; Fact Sheet, Page F-22, para. 12	Water Quality Standards Compliance	<p>The Tentative Permit states that water quality based effluent limits (WQBELs) are designed to protect the quality of the receiving water by ensuring that State water quality standards are met by discharges from an industrial/municipal point source. This statement is not accurate. Discharges do not need to meet water quality standards; receiving waters need to meet water quality standards. For this reason, the sentence should be amended to read “Water quality-based effluent limits <u>for discharges from an industrial/municipal point sources</u> are designed to protect the quality of the receiving water by ensuring that State water quality standards are met in the receiving water <del>by discharges from an industrial/municipal</del></p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			point source." See accord 40 C.F.R. §122.44(d)(1)(ii)(requiring "instream" excursions).
<b>Response:</b>	Finding No. 46 is a standard finding contained in all POTW permits. The finding is correct, as written, because the point of compliance is not specified. The point of compliance is specified in a subsequent section of the permit.		
<b>Action:</b>	No change is warranted.		
43	Tentative Permit, Page 17, Finding 46; and Fact Sheet, Page F-22, para. 12	Reference to LA/Burbank appellate decision	This Finding references the <i>City of Burbank, City of Los Angeles v. SWRCB and LA Regional Board</i> appellate decision. This appellate case was deemed unpublished pending a decision from the California Supreme Court. See California Rule of Court 976(d). Because unpublished cases cannot be cited, this citation should be removed. California Rule of Court 977(a).
<b>Response:</b>	Regional Board staff agree to remove the citation.		
<b>Action:</b>	Change has been made.		
44	Tentative Permit, Page 18, Finding 48; and Fact Sheet, Page F-23 to F-24, Para. 14	CWA 303(d) Listed Pollutants	<p>The Bureau would like to note that most of the 303(d) listed pollutants/stressors for the waters to which TITP discharges are not tied to exceedances of water column standards. Instead, the listings are based on either sediment (for which no approved sediment quality objectives yet exist) or for fish tissue (where no applicable numeric water quality standards or objectives have been adopted). These listings, where there is no evidence that the City's discharge is currently causing these "impairments," should not be the basis for effluent limits imposed in the permit as these listings are not conclusive evidence of a lack of assimilative capacity. See SWRCB Order No. 2001-06 at. pg. 20. Further, other listings are improper because they are not related to specific pollutants (e.g., beach closures, benthic community effects).</p> <p>Pursuant to several State Water Board orders, 303(d) listing by itself is not enough to require an effluent limitation for listed pollutants. <i>Id.</i> The Regional Board must still find reasonable potential based on other factors. In addition, some of these listings may be removed during the next 303(d) review process based on recent fish tissue and sediment data.</p>
<b>Response:</b>	The proposed final effluent limits of the TITP were not based on the 303(d) List. These limits resulted from the reasonable potential analysis based on the TITP's effluent data collected between July 1997 and May 2004. 303(d) list in this permit reflects the State's most recent list of impaired waterbodies approved by the USEPA on July 25, 2003, and is provided as information.		
<b>Action:</b>	No change is warranted.		
45	Tentative Permit, Page 19, Finding 50; Fact Sheet, Page F-24, item 16	Reference to SIP "Section 1.4.22.A"	The section number in the last sentence of Finding 5 and the associated Fact Sheet section should be corrected to include another period as follows: "Section 1.4.2.2.A"



**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
46	Tentative Permit, Page 19, Finding 52.A.a.	RPA for chronic toxicity	Finding 52 notes that the Regional Board has used the USEPA Technical Support Document (TSD) Reasonable Potential Analysis (RPA) method for chronic toxicity. The TSD RPA method applies a dilution factor in the RPA process, yet the Regional Board has failed to take this step [see Table F6]. The asterisked note on page 20 of the Tentative Permit, which rationalizes why a dilution ratio does not apply, deviates from the TSD RPA protocol and, therefore, is not valid. Even if the dilution factor proposed by the Regional Board of 61:1 was applied to January 2000 through June 2004 data, effluent chronic toxicity results show a maximum TUC of 5. Thus, TITP has no RP for chronic toxicity based on the narrative WQO of 1 TUC, or 61 TUC if adjusted for dilution. The Bureau requests that a dilution factor (of at least 61:1) be applied to the effluent chronic toxicity data set in performing the RPA in Table F6, and that TITP, in accordance with the TSD RPA protocol, be found to not have reasonable potential (RP) for this water quality parameter.
<b>Response:</b>	Regional Board staff disagree. Information on the chronic toxicity in the receiving water is not available. The City needs to conduct quarterly sampling for chronic toxicity in the receiving water for one year. Once the data are available, the permit can be reopened and the dilution ratio for chronic toxicity can be granted if the City demonstrates that the chronic toxicity in the receiving water is less than 1.0 TUC.		
<b>Action:</b>	No change is warranted.		
47	Tentative Permit, Page 19, Finding 52.A.a	RPA for chronic toxicity	Finding 52 states that the RPA compares the effluent data with USEPA's 1.67 TUC (60% effluent) water quality guidance criteria, however Table F6 (Non-priority pollutant RPA) of the Fact Sheet shows that the water quality criteria actually used was 1.0 TUC. Please revise Finding 52 to show that a 1.0 TUC was actually used as the water quality criteria for chronic toxicity.
<b>Response:</b>	1.0 TUC is a typographic error.		
<b>Action:</b>	Change has been made.		
48	Tentative Permit, Page 19, Finding 50; Fact Sheet, Page F-24, Section IX.16.	Mixing Zones and Dilution Credits  Typographical Error	The Tentative Permit should specify whether a mixing zone for the TITP effluent discharge is being granted.  "extend" should be changed to "extent"
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
49	Tentative Permit, Page 20, Finding 52.A.c.; Page 26, I.2.B.a.	RPA and Limits for MBAS	Finding 52 notes that the Regional Board has used the USEPA TSD RPA method for MBAS. However, the TSD protocol allows the application of a dilution credit in the in the RPA process, yet the Regional Board failed to take this step in the MBAS RPA process [see Table F6]. Table F6 needs to be updated to account for a minimum of 86:1 dilution for the

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			<p>MBAS RP calculations. This adjustment will show that MBAS does not have RP.</p> <p>The above comments are provided notwithstanding the fact that the MBAS WQO is applicable only to the MUN beneficial use, which does not apply to the TITP receiving waters or effluent.</p>
<b>Response:</b>	Regional Board staff disagree. Please see the Response to Comment No. 26.		
<b>Action:</b>	No change is warranted.		
50	Tentative Permit, Page 20, Finding 52.B.	RPA for Ammonia Conducted without Dilution Credit	If the worst-case dilution credit of 61 is applied to the ammonia limit of 0.035 mg/l, the result would be a limit of 2.14 mg/l. Since TITP already nitrifies; installing nitrification/denitrification (NdN) will not assure compliance with the summer number. Use of the appropriate dilution factor calculated for Case A or Case B should be used in lieu of the hypothetical dilution credit of 61.
<b>Response:</b>	Regional Board staff disagree. Please see the Response to Comment No. 46. Also, a dilution credit cannot be applied until the City provides data to show that the receiving water quality is below the criteria throughout the seasons.		
<b>Action:</b>	No change is warranted.		
51	Tentative Permit, Page 21, Finding 52.B.a.iii.; Fact Sheet, Pages F-44 to F-46.	SIP Requirements	The second paragraph of this Finding regarding the third tier of RPA is inaccurate. If MDELs are authorized at all under the SIP, this authorization applies only to aquatic life protection criteria, not to human health criteria. Thus, the phrase " <u>for aquatic life protection</u> " must be added after "(MDELs)" and an explanation and evidence of impracticability must be added. 40 C.F.R. §122.45(d)(2); SWRCB Order No. WQO 2002-0012 at pg. 21 (This Order was issued after the SIP and still recognized the requirement to perform an impracticability analysis).
<b>Response:</b>	<p>The finding regarding RPA is accurate. Maximum Daily Effluent Limitations (MDELs) can be based on CTR aquatic criteria or on CTR human health criteria, whichever is most protective of the designated beneficial uses. The SIP contains methodology for calculating daily maximum and monthly average effluent limitations for both aquatic life and human health CTR criteria. The issue of setting MDELs for human health criteria was petitioned by County Sanitation Districts of Los Angeles County to the State Board in SWRCB/OCC Files A-1496 and A-1496(a). However, in its precedential decision, Order No. WQO 2003-0012 (adopted September 16, 2003), the State Board concluded that the Regional Board appropriately established effluent limitations implementing human health criteria to protect the beneficial use of body contact recreation. The CTR-based effluent limitations contained in the tentative permit for TITP are consistent with both the SIP and with the State Board's precedential Order No. WQO 2003-0012, and will therefore be retained.</p> <p>Furthermore, additional explanations regarding impracticability of MDELs are not necessary. Please refer to Regional Board's response to Comment No. 35.</p>		
<b>Action:</b>	No change is warranted.		
52	Tentative Permit, Page 21, Finding 52.B.iii; Fact Sheet,	Analytical Methods	Attachment 8, entitled "Table of Compounds with MDLs Greater than Water Quality Objectives," shows that the Bureau is using the most sensitive methods available for all compounds except for dioxin and the PAHs listed (benzo(a)anthracene, benzo(a)pyrene,

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
	Page F-27, Section X.1.B.a.iii	Typographical Errors	benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene). The Bureau commits to provide more sensitive analyses for dioxin and PAHs, but the analytical methods for the rest of the compounds (benzidines, various pesticides and PCBs) will remain unchanged. The Regional Board should remove those constituents from the list where the laboratory is using the most sensitive methods available.  Benzo(a)anthracene should be benzo(a)anthracene Dibenzo(a)anthracene should be dibenzo(a)anthracene
<b>Response:</b>	Regional Board staff disagree with the City's statement, because the City used RDLs higher than WQCs for those 26 constituents in the effluent monitoring program starting from July 1997 to May 2004. The City is required to work with the laboratory to lower detection levels in order to meet applicable and reliable detection limits.		
<b>Action:</b>	No change is warranted. However, the typographic errors have been corrected.		
53	Tentative Permit, Page 22, Finding 52.B.a.iii., last paragraph; Pages 26-27, footnotes [3], [5], [6], [7], [8]; Fact Sheet, Pages F-30 to F-39.	Retention of Previous Limits	No limit should be retained without adequate justification for its necessity to meet technology-based effluent limitations or to protect beneficial uses. Water Code §13377; 33 U.S.C. §§1311-1313. This paragraph states that if a constituent had a limit in a previous permit and if none of the antibacksliding exceptions apply, then the limit will be retained. However, the State Board has determined that a lack of RP constitutes new information and an exception to the antibacksliding requirements. See SWRCB Order Nos. 2003-0008 and 2003-0009; 33 U.S.C. §1342(o)(2)(B)(i). For this reason, no effluent limit should be retained without a demonstration of RP.
<b>Response:</b>	Conventional pollutant limitations are based upon technology and the performance of the plant. These limits were carried over from the previous permit, and RPA does not apply to them. Since none of the antibacksliding exceptions apply, the limits will be retained.		
<b>Action:</b>	No change is warranted.		
54	Tentative Permit, Page 22, Finding 52.B.a.iii., last paragraph; Page 42, Provision IV. 9.; Fact Sheet, Page F-46, para. c.; Attachment N, Page N-1, A.3.	Narrative Limits	The Tentative Permit and Fact Sheet state that a narrative limit to comply with all water quality objectives is provided in the Standard Provisions for the priority pollutants, which have no available numeric criteria. See Attachment N, Page N-1, Para. A.3.  This provision violates the requirement to find reasonable potential before requiring compliance with water quality objectives. Water Code §13263.6(a); 40 C.F.R. §122.44(d)(1). Furthermore, the Tentative Permit at pg. 42 goes beyond this and includes a requirement to "comply with all applicable water quality objectives for the Los Angeles and Long Beach Harbors, including the toxic criteria in 40 C.F.R. 131.36."  There are three main problems with this Provision. First, it is not confined to objectives for which there are no available criteria since it references the National Toxics Rule (NTR) (40 C.F.R. §131.36), so this is contrary to the CWA requirement to have numeric WQOs for toxic pollutants. 33 U.S.C. §1313(c)(2)(B) Second, the citation to the NTR is inappropriate as the NTR was largely inapplicable in California and was superceded by the CTR. 40

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
			C.F.R. §131.38. Third, this requirement violates the federal rule that effluent limitations are only required where RP exists. 40 C.F.R. §122.44(d)(1)(i) and (ii). The Tentative Permit's overarching application of all water quality objectives to the discharge violates federal requirements and may override any individual discharger specific WERs that might be adopted. Furthermore, monitoring will continue for all constituents and if exceedances of WQOs are noted, the RPA can be redone in the future and new limits can be inserted at that time.
<b>Response:</b>	Finding 52.B.a.iii on Page 21 of the tentative permit, and Paragraph c on Fact Sheet Page F-46 merely reference standard language contained in the Standard Provisions document (Attachment N) which is attached to all NPDES permits. No change will be made regarding the Standard Provisions.		
	Regional Board staff agree that the CTR (40 CFR 131.38) supercedes the National Toxics Rule (40 CFR 131.36), therefore, Item #10, under Section IV. Requirements and Provisions, on page 42 of the tentative Order will be deleted.		
<b>Action:</b>	Some, but not all, of the requested changes will be made.		
55	Tentative Permit, Page 22, para. b.ii.; Page 36, Provision I.3.G.c.; Page 40, Provision IV 5.E.b.; Fact Sheet, F-28, para. b. ii	Terminology	Several provisions reference "upstream" including I.3.G.c., which specifies a showing, that "the toxicity cannot be attributed to <b>upstream</b> toxicity." Given that this is not a riverine system, but a bay or harbor, this terminology does not seem accurate or applicable, and should be modified.
<b>Response:</b>	Regional Board staff agree. The term "upstream" has been replaced by "ambient".		
<b>Action:</b>	Changes have been made.		
56	Tentative Permit, Page 22, Finding 52.B.b; Page 23, Finding 52.D.c; Fact Sheet, Page F-29, item 1.c	Use of Understated and Inapplicable Dilution Credit of 61	As discussed in a previous comment, the dilution ratios for Case A cited in Finding 22 are the most appropriate for the TITP for the next 5 years: acute 86:1, chronic 215:1.
<b>Response:</b>	See the Response to Comment No. 15.		
<b>Action:</b>	No change is warranted.		
57	Tentative Permit, Page 22, Finding 52.B.b.i	Metals Water Quality Objectives Determination Using Hardness	The determination of metals water quality criteria incorrectly references hardness (at a value of 400), which is not used for saline waters according to the CTR.

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	Regional Board staff disagree. The receiving water of the Harbor has been defined as an enclosed bay and the description is in Finding No. 14 of the accompanying Permit. Based on the SIP, a maximum hardness of 400 is an appropriate value to calculate metal water quality criteria for cadmium and lead. For other metals, the conversion factor was chosen from the Saltwater Acute and Chronic Criteria Column of the SIP.		
<b>Action:</b>	No change is warranted.		
58	Tentative Permit, Page 23, Finding 52.C.; Fact Sheet, Page F-28, Para. C.	Environmental Benefits	The Tentative Permit concludes, "Environmental Benefits provided by these limitations are reasonable and necessary." However, there are no actual environmental benefits identified. Further, no evidence exists in the record or has been identified to support this finding.
<b>Response:</b>	Regional Board staff disagree. The effluent limits were a result of statistical calculations based on the TITP's effluent data and water quality objectives in the Basin Plan and CTR. The effluent limits are used to protect aquatic life, human health, and receiving water quality. Through the effluent limits, the environment of the Harbor, in terms of the receiving water quality, will be protected from excess pollutants being discharged into the Harbor.		
<b>Action:</b>	No change is warranted.		
59	Tentative Permit, Page 23, Finding 52.D.a.; Page 24, Finding 56; Fact Sheet, Page F-29 and F-48	Exceedance of CTR criteria	This Finding states that no dilution credits were applied because the pollutants listed have been detected in the receiving water <u>at least once</u> . However, water quality criteria are set to allow for one exceedance every three years (See U.S. EPA Water Quality Standards Handbook; Second Edition, pg. 3-3 (1994)), so dilution credits should be given if a detected exceedance in the receiving water occurred less than once every three years.
<b>Response:</b>	Regional Board staff disagree. Based on Section 1.4 of the SIP adopted by the State Board on March 2, 2000, once the pollutant concentration in the receiving water is greater than the water quality criterion, then the dilution credit will not be applied on this pollutant, as there is no assimilative capacity available in the receiving water.		
<b>Action:</b>	No change is warranted.		
60	Tentative Permit, Pg 23, Finding 52 D. Metals Dilution Credit	Applicability of TMDL Reductions	The Regional Board should consider that as the TMDLs are implemented on the municipal and industrial storm water and urban runoff, these contributions will likely decrease in the next decade. The expected decrease in mass loading into the harbor may justify delisting these metals and allowing TITP to get a dilution credit. See 40 C.F.R. §130.2(i)(under a TMDL, wasteload allocations can be made less stringent with more stringent load allocations). Furthermore, TMDLs allow additional time to come into compliance with the underlying standards, thereby potentially allowing interim dilution as part of an overall compliance strategy.
<b>Response:</b>	Once a TMDL has been developed, the permit can be reopened and WLAs and a compliance schedule will be incorporated into the permit.		
<b>Action:</b>	No change is warranted.		
61	Tentative Permit, Page 23, Finding 53; Fact Sheet, Page F-	Permit Authorization	This Finding states that the permit does not authorize "a change or relaxation in the manner or level of treatment." While the permit does not authorize a relaxation, the permit may authorize a change in the flows, manner, or level of treatment. Furthermore, state law

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
	29.		prohibits the prescription of a particular manner of compliance. Water Code §13360(a). For these reasons, the words “a change or” should be stricken from the first sentence.
<b>Response:</b>	The term “change” refers to the treatment process, which cannot be relaxed, and not to a change in flow. An increase in flow may be subject to an antidegradation analysis.		
<b>Action:</b>	No change is warranted.		
62	Tentative Permit, Page 24, Finding 57; Fact Sheet, Page F-48.	Compliance Schedules	This Finding states that “the USEPA has yet to approve the longer compliance schedules.” The Regional Board has cited no authority requiring EPA approval of compliance schedules. Even if such approval was required, the SIP and its accompanying compliance schedule authority were deemed approved under the Alaska Rule as of May 30, 2000 since EPA has failed to promulgate a more stringent replacement policy. 40 C.F.R. §131.21(c)(1). Therefore, longer TMDL-based compliance schedules can be included in this permit for any 303(d)-listed constituents for which effluent limitations are prescribed where it is not feasible to immediately comply with such limitations.
<b>Response:</b>	Both the California Toxics Rule and the SIP contain a provision authorizing a compliance schedule for point source dischargers to come into compliance with the CTR criteria. However, the CTR provision expires on May 18, 2005. The SIP provision expires 10 years from the effective date of the SIP (May 1, 2011). Section 2 of the SIP reads as follows: “The schedule of compliance for point source dischargers in an NPDES permit shall be as short as practicable but in no case exceed the following: “A. Up to five years from the date of permit issuance, reissuance, or modification to complete actions (such as pollutant minimization or facility upgrades) necessary to comply with CTR criterion-based effluent limitations that are derived with or without a TMDL; and, B. Up to 15 years from the effective date of this Policy to develop and adopt a TMDL, and accompanying Waste Load Allocations (WLAs) and Load Allocations (LAs), as described in Section 2.1.1.” Since the Discharger has not made appropriate commitments to support or expedite the development of a TMDL, the TMDL-based compliance schedule does not apply in this situation. The first compliance schedule option (up to five-years from the date of permit reissuance) is more appropriate for the TITP discharge.		
<b>Action:</b>	No change is warranted.		
63	Tentative Permit, Page 24, Findings 56, 57, 58, 59	Five-year Compliance Schedules	Please see Bureau’s Attachment A (Detailed Discussion of Major Issues) for comments on this issue.
<b>Response:</b>	Please see the Response to Comment No. 62.		
<b>Action:</b>	No change is warranted.		
64	Tentative Permit, Page 25, Finding 60	CEQA Requirements	In this finding, the Regional Board states that the action to adopt an NPDES permit is exempt from the California Environmental Quality Act (Public Resources Code §21100 et seq.) in accordance with Water Code Section 13389. This finding should be revised to reflect that Water Code Section 13389 only exempts the issuance of NPDES permits from the provisions of Public Resources Code, <u>Chapter 3</u> , Division 13, not the entire Act.

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
<b>Response:</b>	This is standard language in all newly adopted NPDES permits.		
<b>Action:</b>	No change is warranted.		
65	Tentative Permit, Page 25, Finding 63	Permit Effective Date	The Tentative Permit properly specifies a 50-day effective date, but set this date as February 18, 2005. Since comments are not due until after this date, this date is clearly inaccurate. A date need not be specified, as the effective date will be calculable from the adoption date plus 50 days. Alternatively, the Regional Board should revise dates in the final permit based upon the actual date of approval.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
66	Tentative Permit, Page 25, Draft Order Language	Tentative Permit Requirements	The Order section of this page orders the City to meet not only the provisions of statutes and regulations, but also guidelines adopted thereunder. Since guidelines have not been adopted by regulatory process, imposition of the "requirements" contained in guidelines becomes an exercise in underground rulemaking in violation of the federal and California Administrative Procedures Acts. For this reason, the word "guidelines" must be removed from all places within the paragraph beginning "IT IS HEREBY ORDERED..."
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
67	Tentative Permit, Page 25, Provision I.1.	Discharge Prohibition	The language of this section should be amended as follows" "The discharge of <u>treated</u> municipal wastewater to the Harbor is <u>generally</u> prohibited and shall be eliminated at the earliest practicable date. <u>Until the discharge is eliminated, the following requirements apply.</u> " Without these additions in this section, the City will potentially be in violation of the permit from the effective date even though the City is in compliance with all other requirements of the Tentative Permit and MR&P. If this change is made, then the first sentence of Provision I.2. can be removed since it has now been encompassed by Provision I.1.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
68	Tentative Permit, Pg 25, I. Discharge Requirements 1. Discharge Prohibition	Resolution 94-009	The Regional Board staff should list Resolution 94-009 in the Tentative Permit's Fact Sheet to demonstrate that the Regional Board expressly allowed AWTF brine to be discharged into the harbor. Since it is a Board Resolution, Regional Board staff should be bound by its ruling, including the finding that the brine will not cause any problems to the harbor.
<b>Response:</b>	Resolution No. 94-009 is a stand-alone document, which predates current water quality standards, and it has not been re-evaluated to see if the brine discharge is in compliance with current water quality standards.		
<b>Action:</b>	No change is warranted.		
69	Tentative Permit,	BOD, TSS, O&G,	Footnote [2] on page 27 states that, "The daily maximum effluent concentration limit shall

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
	Page 26, Provision I.2.B.a; Page 27, footnote [2].; Page 30, Provision I.2.F.; and Page 36, footnote [2]	Chlorine, Turbidity, and Settleable Solids Daily Limitations	<p>apply to flow-weighted 24-hour composite samples and grab samples." Daily maximum effluent limitations should not apply to BOD, TSS, O&amp;G, chlorine, or settleable solids as longer-term limits have not been demonstrated with evidence in the record to be impracticable. See accord 40 C.F.R. §122.45(d)(2); 33 U.S.C. §1342(o)(2)(B). In fact, BOD, TSS, O&amp;G and Settleable Solids have monthly average limits too, so these longer-term limits must not be impracticable.</p> <p>The Fact Sheet states that these cannot be removed because none of the antibacksliding exceptions apply. However, antibacksliding requirements apply to water quality based effluent limitations, not technology-based limits like those related to tertiary treatment levels. 33 U.S.C. §1342(o)(1). Further, if no reasonable potential exists, then effluent limits may be removed. See SWRCB Tentative Permit No. WQO 2003-0009 at pgs. 7-10 (Sept. 26, 2003). The Basin Plan contains water quality objectives for BOD, chlorine, O&amp;G, suspended solids, settleable solids, and turbidity. Basin Plan at pgs. 3-8, 3-9, 3-11, 3-16, and 3-17. A reasonable potential analysis must be performed to determine that these effluent limitations are necessary. Water Code §13377. If no reasonable potential exists, the limits need not be retained. The Regional Board has failed to conduct this analysis and has maintained limits without any currently applicable justification.</p> <p>Finally, there are narrative requirements to cover many of these constituents. See e.g., Attachment N, Page N-1, A.4, 5, and 8.</p>
<b>Response:</b>	Regional Board staff exercised sound discretion and did not apply daily maximums for each constituent. Instead, the record reflects that the Regional Board considered whether instantaneous conditions, or similar conditions that could not be captured through weekly monitoring, could impair the beneficial use. If so, the staff proposed a daily maximum limit because it would be impracticable to impose a weekly limit and still achieve water quality standards and protect uses. <b>Furthermore, State Board Order Nos. WQO 2003-0009 and WQO 2003-0012, upheld the use of daily maximum effluent limits in the CSDLAC Whittier Narrows, Los Coyotes, and Long Beach WRP permits.</b>		
<b>Action:</b>	No change is warranted.		
70	Tentative Permit, Page 26, Provision I.2.B.a. Fact Sheet, Page F-25 to F-26	Inappropriate Application of Drinking Water Standards for MBAS	<p>The Regional Board incorrectly included inapplicable drinking water-based limits for Methylene Blue Activated Substances (MBAS) on this discharge. The Bureau requests that all limits based on secondary drinking water Maximum Contaminant Levels (MCLs) be deleted from the Tentative Permit.</p> <p>The Basin Plan contains a numeric water quality objective for MBAS limiting concentrations to 0.5 mg/L, which reflects the secondary drinking water standard. Basin Plan at 3-11. However, this objective only applies "in waters designated MUN." Since the waters to which TITP discharges are not designated MUN, this objective does not apply.</p> <p>The Basin Plan also discusses that the discharge of surfactants that might disturb surface tension and affect insects and the gills in aquatic life. However, even though the Fact Sheet at page F-36 states that the 0.5 mg/L concentration "has been determined to be protective of beneficial uses and the aesthetic quality [taste] of waters," there is no evidence in the</p>



**Response to Bureau of Sanitation Comments**  
**On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			<p>record supporting this determination. Furthermore, nothing in the record demonstrates that these affects have been seen in the receiving waters to which TITP discharges or that there is a reasonable potential to adversely affect aquatic life beneficial uses. The record also contains no information that the secondary drinking water MCL was ever intended to or does provide aquatic life protection. Nevertheless, the Tentative Permit includes narrative objectives and monitoring requirements exist to cover the discharge of foaming agents or adverse impacts to aquatic life. See Permit Provision I.3. No other requirements are necessary or warranted.</p> <p>Finally, even if the 0.5 mg/L were somehow applicable, the RPA for MBAS is questionable, as MBAS was never detected in the effluent at levels above 0.5 mg/L. See Tentative Permit, Page 27, footnote [10] and Fact Sheet at Page F-32, footnote [10] ("The concentrations of MBAS in the last permit cycle are between 0.090 mg/L and 0.368 mg/L, which do not exceed the Basin Plan's MBAS WQO (0.5 mg/L).") Therefore, no limit is necessary or warranted.</p>
<b>Response:</b>	Please see Response to Comment No. 26. Also, based upon BPJ, it is reasonable to expect that some MBAS from the soaps and detergents present in the City's sewershed could be released at the outfall (see Fact Sheet Page F-35).		
<b>Action:</b>	No change is warranted.		
71	Tentative Permit, Page 26, Provision I.2.B.a.	Inappropriate Application of Drinking Water Standards for Radioactivity	<p>The Regional Board incorrectly included inapplicable drinking water-based limits for radioactivity on this discharge. The Bureau requests that all limits based on drinking water MCLs be deleted from the Tentative Permit. (The Fact Sheet states that the Title 22 MCL-based effluent limits were included in the permits based on "best professional judgements [sic]." See Fact Sheet at F-39.)</p> <p>Drinking water standards were intended only to apply to drinking water treatment facilities (at the tap or point-of-use) and should not apply "end-of-pipe" to wastewater treatment facilities (per 22 C.C.R. §64431 and 64444). Since neither the TITP effluent nor the receiving water is not used for direct potable purposes, the Title 22-based effluent limits, as daily maximum or even monthly average effluent limits in the Tentative Permit are unnecessarily restrictive and inappropriate for treated effluent discharged to the harbor. In most cases, drinking water standards are also intended to be applied as 12-month averages (per Title 22, Division 4, Chapter 15, Article 4, §64432). There is no reason provided why the limits for radioactivity, if authorized at all, must be set as daily maximum limits.</p> <p>The 1994 Basin Plan incorporated by reference concentrations for radionuclides only for "waters designated for use as domestic or municipal supply (MUN)." See Basin Plan at 3-15. Therefore, these Title 22 based effluent limits to protect the MUN use are not applicable to waters that have no existing MUN use. See Tentative Permit at Page 10, Finding 28, and Fact Sheet at Page F-15. An MUN use is not an existing use and is not even contemplated as a potential use. Therefore, these MBAS and radioactivity limits are</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
			<p>not necessary to protect existing or probable beneficial uses and should be deleted from the permit for a lack of reasonable potential as allowed by 33 U.S.C. §1342(o)(1) and (2).</p> <p>The Basin Plan establishes a narrative water quality objective for radioactivity that states that “radionuclides shall not be present in concentrations that are deleterious to human, plant, animal or aquatic life or that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life.” Basin Plan at 3-15. The Tentative Permit and Fact Sheet fail to contain evidence that a reasonable potential exists to violate this narrative objective. Nevertheless, presumably in order to protect other existing beneficial uses from radioactivity, the permit includes a narrative receiving water limitation stating that radioactivity from waste cannot degrade marine life, as well as monitoring requirements. See Tentative Permit at Page 36, Provision I.3.E, and Monitoring and Reporting Program at Page T-10. No other requirement is necessary or warranted.</p> <p>The Basin Plan also contains unlawful prospectively incorporated by reference limits from Title 22, Section 64443 (Radioactivity), Table 4. However, these limits apply ONLY to waters designated for use as domestic or municipal supply (MUN). Basin Plan at 3-15. Since none of the waters listed in the Tentative Permit at pages 12-13 list MUN as a beneficial use, California Title 22 objectives for radiation cannot be directly applicable to TITP’s discharge. Further, even if these criteria were somehow applicable, the Tentative Permit and Fact Sheet do not contain an RPA justifying the imposition of effluent limits for radioactivity.</p>
<b>Response:</b>	Please see Response to Comment No. 26.		
<b>Action:</b>	No change is warranted.		
72	Tentative Permit, Page 26, and Attachment T, Page T-11, Footnote [9]	Analyses of additional radiochemicals according to Title 22, Chapter 15, CCR.	Request deletion of analyses of additional radiochemicals (i.e., gross alpha, radium-226 & radium-228, tritium, strontium-90 and uranium). The 1993 Permit requires routine monitoring of gross beta activity specified in Title 17, Chapter 5, Subchapter 4, Group 3, Article 3, Section 30269 of the CCR. The monitoring of additional species is required only if the gross beta radioactivity exceeded the permit limit. Therefore, to the Bureau requests retention of the monitoring requirements for radioactivity according to the 1993 Permit.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
73	Tentative Permit, Pages 26 and 27, I.2.B.a, Effluent Limitations, Footnote [1]	Typographical Error	<p>The following wording is used twice in Footnote 1:</p> <p>“...calculated as the sum of all daily discharges measure<u>s</u>d during ...”</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
74	Tentative Permit, Page 27, Provision I.2.B.a., footnote [4]	Mass Limits Application in Wet Weather	Unlike most of the other permits recently adopted and proposed in the Los Angeles Region, the Tentative Permit does not include language limiting the application of mass limits to dry weather only. The Bureau requests that, if mass limits are retained, language be inserted into this footnote stating that mass limits do not apply in wet weather.
<b>Response:</b>	The Regional Board staff agree to add the following statement (in Footnotes [4] and [6] in the Permit and Fact Sheet): "During wet-weather storm events in which the flow exceeds the design capacity, the mass discharge rate limitations shall not apply, and concentration limitations will provide the only applicable effluent limitations."		
<b>Action:</b>	Changes have been made.		
75	Tentative Permit, Page 27, footnote [9]; Fact Sheet, Pages F-25 to F-26.	No Limits Where Lack of Receiving Water Data	Instead of imposing numeric effluent limitations for ammonia and chronic toxicity when receiving water background data is unavailable, the permit should merely require the City to collect the needed data. This action would be consistent with the SIP requirements for toxic pollutants under the CTR. See SIP at pg. 21, Section 2.2.2.A. Then, once the needed data is collected, the Regional Board can perform a reasonable potential analysis at that time to determine if WQBELs are required and reopen the permit to include any required limits. The Tentative Permit already includes such reopeners. Permit at page 43, Provision V.1 and V.3.
<b>Response:</b>	Regional Board staff disagree. Two-year Bight monitoring data provided by the City show that the projected ammonia concentration greatly varies with the different seasons. Regional Board staff request that the City conduct monthly ammonia sampling of the receiving water for one year in order to demonstrate what the concentrations of ammonia actually are in receiving waters.		
<b>Action:</b>	No change is warranted.		
76	Tentative Permit, Pages 26-28, footnotes [9], [11]-[14]; Fact Sheet, Pages F-32 to F-33.	Ammonia Footnote Requirements	The indicated footnotes are only placed on the concentration limits, but should also apply to the mass limits. The Bureau requests that these footnotes be attached to the ammonia mass limits, if retained.
<b>Response:</b>	If EPA does not approve Resolution No. 2004-022, concentration and mass limits will not apply.		
<b>Action:</b>	No change is warranted.		
77	Tentative Permit, Page 28, Footnote [15]; Attachment T, Page T-11, Footnote [9].	Inconsistent Requirements	Title 22 is applied in Tentative Permit footnote and Title 17 is applied in Attachment T, page T-11, footnote 9. The Bureau requests Attachment T, page T-11, footnote 9, Title 17 be applied for radioactivity throughout document.

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	Regional Board staff agree. Footnote [9] has been revised as "Analysis for combined Radium-226 & 228 shall be conducted only if gross alpha results for the same sample exceed 15 pCi/L or beta greater than 50 pCi/L. If concentrations of Radium-226 & 228 exceed the stipulated criteria, analyze for Tritium, Strontium-90 and Uranium."		
<b>Action:</b>	Changes have been made.		
78	Tentative Permit, Page 28, Footnote [15].	Use of MCLs for Effluent Limits	Request deletion of radioactivity MCL as an effluent limitation. The Title 22 Maximum Contaminant Limits (MCLs) are being used for radioactivity for plant effluent. The Title 22 MCLs are used for drinking water and not suitable nor appropriate for setting wastewater effluent limits to waters not designated with an MUN use.
<b>Response:</b>	Please see Response to Comment No. 26.		
<b>Action:</b>	No change is warranted.		
79	Tentative Permit, Page 29, footnote [4]; Fact Sheet, Page F-42, footnote [4].	Reasonable Potential Footnote	This footnote stating that "this constituent shows reasonable potential" is unnecessary because an effluent limitation is not required without such a showing. 40 C.F.R. §122.44(d)(1); Water Code §13263.6(a).
<b>Response:</b>	Regional Board staff disagree. This footnote only provides information.		
<b>Action:</b>	No change is warranted.		
80	Tentative Permit, Page 30, Provision I.2.G.; Fact Sheet, Page F-39	Turbidity - Language Consistency	<p>There is no evidence in the record demonstrating why turbidity requirements more stringent than the Basin Plan requirements (Basin Plan 3-17) are being imposed or how turbidity protects water contact recreational uses in the harbor. Further, whenever requirements more stringent than the Basin Plan are imposed, the Regional Board must undergo a Water Code §13241 analysis, which has not been done here.</p> <p>To be consistent with the Basin Plan requirements, then paragraph G. must be amended to read as follows, in its entirety:</p> <p><u>"For purposes of this requirement, the wastes shall be considered adequately treated if the turbidity of the wastewater does not exceed more than 20% above background turbidity, where background is between 0 and 50 NTU, or more than 10% above background turbidity if the background exceeds 50 NTU."</u></p>
<b>Response:</b>	Regional Board staff disagree. TITP has filtration treatment technology as part of its treatment, and therefore technology-based limitations apply at end-of-pipe.		
<b>Action:</b>	No change is warranted.		
81	Tentative Permit, Page 30. Provision I.2.D. ;Page 40, Provision IV.5.E.	Temperature Limit of 86° F and Receiving Water Limitation of 80° F	Effluent temperature limit of 86 degrees F is incorrectly applied from Thermal Plan to TITP, which discharges to an enclosed harbor. This limit is applicable to estuaries alone, so it is inappropriate for the TITP NPDES permit. The Bureau demonstrated in the attached comment letter that receiving water temperatures and, thus, beneficial uses are not impacted due to effluent temperature. This data show an almost imperceptible impact of

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			effluent temperature on receiving waters and that receiving water temperature outside the mixing zone has never been close to 80° F. Therefore, TITP's effluent has no reasonable potential to exceed the applicable temperature objective. The Bureau requests removal of these two limitations.
<b>Response:</b>	The Regional Board staff agree to revise 86°F as 100 °F and to delete Provision IV.5.E., because of the dilution credit.		
<b>Action:</b>	Changes have been made.		
82	Tentative Permit, Page 30, Effluent limitation, Provision I.2.D	Effluent Temperature Limit	The permit limit should be 100 ° F as in the last permit, if a temperature effluent limit is imposed at all.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
83	Tentative Permit, Page 30, Effluent limitation, Provision I.2.F	Coliform organism limit and test schedule	Section F should be removed in its entirety as the coliform limit of 2.2 MPN per 100 ml does not apply to this plant because TITP effluent is not chlorinated and should not be subject to the Department of Health Service's Title 22 recycled water criteria.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
84	Tentative Permit, Page 31, Provision I.2.I.a.	Percent Survival Requirements	<p>The Tentative Permit requires that "The acute toxicity of the effluent shall be expressed and reported as <u>percent survival</u>". However, in the Tentative Permit for Hyperion (pg. T-29, Sec 1.c.), the permit requirements state that "The acute toxicity of the effluent [for discharge 001] shall be expressed and reported as Pass or Fail" based on hypothesis testing.</p> <p>In the Tentative Permit, acute toxicity is measured as percent survival in the undiluted effluent. The problem with expressing acute toxicity as percent survival is that it doesn't consider whether or not there is a statistical difference from the controls. The City requests the TITP Tentative Permit be consistent with the HTP permit by requiring acute toxicity testing results be reported as "Pass or Fail" based on hypothesis testing.</p>
<b>Response:</b>	Regional Board staff disagree. The <b>revised</b> tentative permit for Hyperion does not contain acute toxicity tests of "Pass or Fail" based on hypothesis testing. Regional Board staff use the standard protocol of the percent survival for the acute toxicity tests for the TITP, based on the Basin Plan's WQOs. Therefore, no change is needed.		
<b>Action:</b>	No change is warranted.		
85	Tentative Permit, Page 31, Provision I.2.I.b.	Acute Test Duration	The section refers to 96-hour acute toxicity tests. In Attachment T, page T-12, Sec 4.A.a. (first full paragraph page T-12) states that the first 48 hours of the chronic toxicity test can be reported for acute test requirement. The Bureau requests that this section be reworded to reflect the 48-hour option.

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			Additionally, this section requires that the average survival in the undiluted effluent for any three consecutive 96 hr acute tests to be 90% and that no single test survival shall be less than 70%. This does not take into consideration the survival in the test controls. The limit is strictly based on survival in effluent. The Bureau requests to be allowed to normalize the survival in the effluent to that of the controls when reporting test results.
<b>Response:</b>	Regional Board staff agree to reflect the 48-hour option. However, "that the average survival in the undiluted effluent for any three consecutive 96 hr acute tests to be 90% and that no single test survival shall be less than 70%" is standard protocol, which will not be revised.		
<b>Action:</b>	Some change has been made.		
86	Tentative Permit, Page 31, Provision I.2.I.c.	Unclear Sentence	Please rewrite the following sentence. "The <del>Discharger</del> City shall ensure that results of a failing acute toxicity test is received by the <del>Discharger</del> ...." This last word does not seem to fit.
<b>Response:</b>	Regional Board staff agree to revise the statement as "The Discharger shall ensure that results of a failing acute toxicity test is received by the <del>Discharger</del> Regional Board...." .		
<b>Action:</b>	Changes have been made.		
87	Tentative Permit, Page 31, Provision I.2.I.c.	Additional Testing Requirements	The Tentative Permit requires that the City shall begin additional tests within 3 business days of receipt of the test result. Three days to start testing would be a hardship to the toxicity-testing group as it leaves very little time to order a new sample and test organisms, and receive the results. Five business days would be more appropriate and reasonable. The Bureau requests the time allowed to begin accelerated testing be increased to five days.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
88	Tentative Permit, Page 31, Provision I.2.I.c	Inconsistent Testing Requirements	In the Tentative Permit, the requirements are that "...The discharger shall conduct six additional tests <u>over a six-week period</u> ". However, the proposed Hyperion permit (at pg. T-31, Sec.E.4) contains a different accelerated monitoring requirement that "...consists of six additional tests, approximately every two weeks, <u>over a 12- week period</u> ."  The Bureau requests the time allotted for accelerated monitoring in the TITP permit be consistent with the proposed HTP permit. (6 tests over 12 weeks, rather than 6 tests over a 6-week period).
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
89	Tentative Permit, Page 32, Provision I.2.J.c.	Chronic toxicity in 60% effluent is only available to the red abalone and not kelp	The giant kelp cannot be tested at 100% effluent and should be tested at a maximum effluent concentration of 60%. Topsmelt may be tested at 100% effluent if commercial sea salts are used. Past studies using sea salts for red abalone and giant kelp have introduced toxicity into the dilution water. The Bureau requests the Tentative Permit allow testing of

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			<p>giant kelp at a maximum effluent concentration of 60%.</p> <p>The testing of two species (red abalone and giant kelp) at 60% effluent and one (topsmelt) at 100% could make determining the most sensitive species difficult. The Bureau requests that all three species be tested at a maximum of 60% effluent during screening tests. If selected as most sensitive, the topsmelt should be tested at a maximum of 100% effluent during compliance monitoring.</p>
<b>Response:</b>	Regional Board staff agree the City's request.		
<b>Action:</b>	Changes have been made.		
90	Tentative Permit, Page 34.	<p>Typographical errors</p> <p>Derivation of Enterococcus Mean Density Limits</p> <p>Definition of Rain Event</p> <p>Removal of Shore Stations from Monitoring Program</p>	<p>"...(general..." should be "...generally..."</p> <p>Under Shellfish Harvesting Standards, "...bacteria standards should be bacteriological standards.</p> <p>The Tentative Permit states that "If a shore station consistently exceeds a total or fecal coliform objective or exceeds a geometric mean enterococcus density of 24 organisms per 100 ml for a 30-day period, or 12 organisms per 100 ml." If this item is not removed from the Tentative Permit and placed in the Los Angeles County MS4 permit, as requested below, please provide a reference and explanation for the derivation of these enterococcus mean density limits.</p> <p>A wet-weather exclusion footnote should be added to the Tentative Permit, as stormwater runoff will impact inshore and offshore stations. The day of rain (0.1 inch and greater) plus three following days worth of bacteriology data should be excluded from Single Sample and Geomean limits.</p> <p>Item c. should be removed in recognition that the TITP effluent plume does not reach the shoreline at Cabrillo Beach, this monitoring has been included as part of the Los Angeles Harbor TMDL. As such, shoreline monitoring at this beach should not be included in the TITP NPDES permit, but instead in the MS4 stormwater permit. A TMDL is underway to address this issue. The Bureau requests this monitoring requirement be removed from the TITP Tentative Permit, as it has been removed from the proposed HTP permit.</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	<p>Regional Board staff agree to correct typographic errors. In addition, "If a shore station consistently exceeds a total or fecal coliform objective or exceeds a geometric mean enterococcus density of 24 organisms per 100 ml for a 30-day period, or 12 organisms per 100 ml for a six month period, the Discharger shall conduct..." has been revised as "If a shore station consistently exceeds a total or fecal coliform objective, the Discharger may conduct..."</p> <p>Regional Board staff agree to add the follows: "During a wet-weather event, stormwater runoff will impact inshore and offshore stations. The day of rain (0.1 inch and greater) plus three following days worth of bacteriology data should be excluded from Single Sample and Geomean limits."</p> <p>Regional Board staff disagree to remove the shoreline monitoring program until it is added to the MS4 permit. The daily sampling is revised as 5 time per week.</p>		
<b>Action:</b>	Some changes have been made.		
91	Tentative Permit, Page 34, Provision I.3.A.a.	Sentence Clarification	<p>The Tentative Permit states that "In addition, total coliform density shall not exceed 1000/100 ml for more than 20 percent of the samples at any sampling station in any 30-day period"</p> <p>It is unclear whether this means 20% of the samples at all receiving water stations exceed 1000/100 ml of coliform density in any 30-day period, or 20% of the samples at each station exceed 1000/100 ml of coliform density. The Bureau requests that this be clarified in the Tentative Permit.</p>
<b>Response:</b>	This statement comes from the California Ocean Plan, which is inappropriate for the TITP permit. The entire section has been deleted.		
<b>Action:</b>	Change has been made.		
92	Tentative Permit, Page 34, Provision I.3.A.b.	Evidence Requirement	The language should be clarified as follows to make it clear when certain standards apply: "At all areas where <u>evidence demonstrates that</u> shellfish may be harvested for human consumption..."
<b>Response:</b>	This is standard language.		
<b>Action:</b>	No change is warranted.		
93	Tentative Permit, Page 35, Provision I.3.A.c.	Sanitary Survey	This section states: "If a shore station consistently exceeds a total or fecal coliform objective or exceeds a geometric mean enterococcus density of 24 organisms per 100 ml for a 30-day period, or 12 organisms per 100 ml for a six-month period..." The word "consistently" is unclear. Sanitary surveys can be expensive and difficult to successfully complete; therefore, the Bureau believes that Sanitary Surveys should be triggered only under specific, justified conditions. If shoreline bacteriological monitoring is not placed in the MS4 permit as requested, the Bureau requests language be added to replace "consistently" with an objectively defined and clear trigger for conducting a Sanitary Survey.
<b>Response:</b>	Regional Board staff agree. See the Response to Comment No. 90.		
<b>Action:</b>	Changes have been made.		



**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
94	Tentative Permit, Page 35, Provision I.3.C.e.	Reference to the Ocean Plan	The Ocean Plan does not apply to the TITP discharge. Replace "Chapter II, Table B of the Ocean Plan" with the appropriate reference to the SIP.
<b>Response:</b>	Regional Board staff agree to delete this typographic error.		
<b>Action:</b>	Change has been made.		
95	Tentative Permit, Pages 36, Provision I.3.F.; Attachment T, Page T-23.C.a.	Acute Receiving Water Monitoring	There is no evidence of a reasonable potential for acute toxicity that would justify acute testing of the receiving water. The Bureau requests this acute testing requirement be deleted from the Tentative Permit.
<b>Response:</b>	Regional Board staff disagree. The acute toxicity tests have never been conducted in the receiving water. In addition, the Regional Board requires information about the acute toxicity in the receiving water near the outfall.		
<b>Action:</b>	No change is warranted.		
96	Tentative Permit, Page 38, Provision III.6.	Pretreatment Reporting Requirements	The Tentative Permit requires more monitoring and reporting than in the last permit. For example, in this provision, in addition to annual pretreatment reports, the Regional Board is now requiring semiannual reports. As a generally applicable comment, for all monitoring and reporting requirements, the Regional Board must justify the need and burden (including cost) for the monitoring and reporting in accordance with Water Code §13267(b) and §13225(c).

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	<p><b>The Clean Water Act Does Not Require a Cost-Benefit Analysis for the Monitoring and Reporting Program</b></p> <p>The Clean Water Act and its implementing regulations require a Monitoring and Reporting Program as one of the five major components of all permits issued across the country under its auspices. (33 U.S.C. § 1318(a); 40 C.F.R. § 122.41(j)-(1).) The Act's monitoring requirements are detailed and do not contain any requirement to conduct a cost-benefit analysis. (33 U.S.C. § 131 8(a).) They allow the permitting agency to authorize the methods, intervals, and locations for permittee's information. (Id.) The federal regulations expand on this comprehensive mandate. (40 C.F.R. § 122.41(j)-(1), 122.48.) Because the Porter-Cologne Act (PCA) requires implementation of the minimum requirements of the CWA for permits issued in California<sup>1</sup>, and the CWA does not condition monitoring programs on a cost-benefit analysis, none can be required.</p> <p><b>The Porter Cologne Act Does Not Require a Cost-Benefit Analysis</b></p> <p>The cost analysis provisions upon which Discharger relies have no application to waste discharge requirements that serve as an NPDES permit. The Permit was issued under the authority of chapter 5.5 (commencing with section 13370) of the PCA which governs waste discharge requirements that serve as federal permits. PCA section 13383 provides the authority for the monitoring requirements in the Permit. Section 13383 authorizes the Regional Board to "establish monitoring, inspection, entry, reporting, and recordkeeping requirements, as authorized by sections 13160, 13376, or 13377 or by subdivisions (b) and (c) of this section, for any person who discharges, or proposes to discharge, to navigable waters. . ."</p>		
<b>Action:</b>	No change is warranted.		
97	Tentative Permit, Page 38, Provision IV.1.	Justification for Prohibition Provisions	There are no justifications or evidence supporting the necessity of the prohibition provisions within the Tentative Permit or the Fact Sheet. This provision, as with all others, must be justified with evidence in the record or be deleted. The first provision, IV.1. is not required by the Clean Water Act or the Water Code. At the least, the words "to any point" should be removed as unnecessary and beyond legal requirements.
<b>Response:</b>	Regional Board staff disagree. The permit has already described the approved Outfall. Discharges from any other locations are not allowed.		
<b>Action:</b>	No change is warranted.		
98	Tentative Permit, Page 38, Provision IV.2.	Applicable Limitations, Standards and Federal Regulations	This requirement is currently as follows: "The discharger shall comply with all applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards and all federal regulations established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, 316, 403 and 405 of the Clean Water Act and amendments thereto." If any of these sections are applicable, then they should be spelled out in the Tentative Permit or Fact Sheet in detail along with an explanation as to how each applies. As stated, this provision is too vague to be a valid provision for which the City could be held strictly liable.

<sup>1</sup> CWC § 13370 *et seq.* requires that waste discharge requirements issued by the Regional Board be consistent with provisions of the federal CWA and its amendments. (See CWC § 13377; see also CWC § 13374 (state law "waste discharge requirements" function as federal NPDES permits).)

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
<b>Response:</b>	This is the standard language adopted in POTW's NPDES permits.		
<b>Action:</b>	No change is warranted.		
99	Tentative Permit, Page 39, Provision IV.5.b.	Clarification of Compliance Determination when Samples Contain ND and/or DNQ Data	<p>The following statement in this section needs to be further clarified in the Tentative Permit: "When one or more sample results are reported as "Not-Detected (ND)" or "Detected, but Not Quantified (DNQ)" (see Reporting Requirements IV. D. of <i>M&amp;RP</i>), the median value of these four samples will be used for compliance determination. If one or both of the middle values is ND or DNQ, the median will be the lower of the two middle values."</p> <p>The Regional Board should clarify whether this applies to the situation where one of the two middle values is a numeric value and the other is either ND or DNQ. For instance, if the two middle values are 0.43 and ND, is ND selected as the median?</p> <p>Also, this section should clarify whether it is referring to the situation where multiple samples are taken in a month because the first sample was out of compliance with the monthly average limitation. Do these rules also apply when there are only two samples (a monthly sample and a split sample) in one month? And does this apply to averaging of monthly results on the annual report? This section needs clarification and also needs to be generalized to apply to any type of averaging.</p>
<b>Response:</b>	<p>We believe that the protocol of determining pollutant concentration when multiple samples are taken should apply to all situations. Therefore, some portions under Section IV.5.B.b are removed and a new Section 3. under Compliance Determination (IV.5.) is added as follows:</p> <p><u>3. When all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirements III.1. of MRP), the numerical average of the analytical results of these samples will be used for compliance determination.</u></p> <p><u>When one or more sample results are reported as "Not-Detected (ND)" or "Detected, but Not Quantified (DNQ)" (see Reporting Requirements III.4. of MRP), the median value of these samples will be used for compliance determination. If, in a even number of samples, one or both of the middle values is ND or DNQ, the median will be the lower of the two middle values.</u></p>		
<b>Actions:</b>	Changes have been made.		
100	Tentative Permit, Page 39,, Provision IV.5.B.b, Compliance Determination	Possibly Conflicting Requirements Regarding Averaging of Multiple Sample Results	<p>In the case of a single sample exceedance of a monthly average limit, the compliance determination requires the discharger to "collect up to four additional samples." Therefore, it does not require exactly four additional samples. The next paragraph states that the average "of these five samples" will be used in compliance determination. The words "these five samples" should be replaced with "all samples collected during that month" since there may not be exactly five. Then, in the following paragraph, it refers to the median value "of these four samples" which is inconsistent with the previous statement, but is also unnecessary and possibly conflicting if there are not that many samples. The words "these four samples" should also be replaced with "all samples collected during the month."</p> <p>The text of second and third paragraphs of Section 5.B.(b) of the Tentative Permit should</p>

**Response to Bureau of Sanitation Comments**  
**On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			<p>be amended as follows:</p> <p>“When all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirement III. A. of M&amp;RP), the numerical average of the analytical results of <del>these five samples</del> <u>all samples collected during the month</u> will be used for compliance determination.</p> <p>“When one or more sample results are reported as “Not-Detected (ND)” or “Detected, but Not Quantified (DNQ)” (see Reporting Requirement III. D. of M&amp;RP), the median value of <del>these four samples</del> <u>all samples collected during the month</u> shall be used for compliance determination. If one or both of the middle values is ND or DNQ, the median shall be the lower of the two middle values.”</p>
<b>Response:</b>	Regional Board staff agree to modify the statements.		
<b>Action:</b>	Changes have been made.		
101	Tentative Permit, Page 39, Provision IV.5.B.b, Compliance Determination	Averaging Multiple Sample Results	Another justification exists for changing the text given in the comment above. The text is too specific and relates to one particular situation. But there are other situations where a constituent which requires monitoring on once a month, quarter, etc. basis and could have more than one sample for that period. For instance, split samples are frequently done when Regional Board collects and analyzes their own sample. In this case, the Bureau may have two samples for the month. There are also other situations where the Bureau may take additional samples during a month. The method of averaging multiple samples in a month needs to be generalized to apply to any number of samples taken for any reason.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
102	Tentative Permit, Page 40, Provision IV.5.D.b.	Median Calculation for even number of measurements	<p>The formula for calculating the median is incorrect for the case when there is an even number of measurements:</p> <p>“If the number of measurements (n) is even, then the median will be calculated as = <math>[X_{n/2} + X_{(n/2)+1}]</math>, i.e. the midpoint between the n/2 and n/2+1 data points.”</p> <p>The formula given is the summation of the two middle values, instead of the midpoint between them. For example, if n = 10, the formula gives the summation of the 5<sup>th</sup> and 6<sup>th</sup> numbers: <math>[X_5 + X_6]</math>. The summation should be divided by 2.</p> <p>Thus, the median of an even number of measurements should be calculated as follows: median = <math>[X_{n/2} + X_{(n/2)+1}]/2</math>. The Bureau requests that this correction be made.</p>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
103	Tentative Permit,	Compliance Determination	The Tentative Permit requires the use of one half of the method detection limit for ND and

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
	Page 40, Provision IV.6.		DNQ for calculating monthly average concentrations. It should be noted that one-half of MDL and DNQ are merely estimated values, not actual results and, therefore, must not be used to determine any actual effluent value.
<b>Response:</b>	We acknowledge that no actual effluent values may be determined by ND or DNQ. Currently, there is no specific instructions regarding how to substitute ND data with a numeric data. The substitution of ND with one-half of MDL has been consistently used in the development of the permit, such as with the RPA. Since the actual values are not obtainable, we believe our approach will generate reasonable estimate values for ND and DNQ. However, for the calculation of mass values, a zero value for ND and DNQ can be applied for compliance purposes.		
<b>Actions:</b>	No change is warranted.		
104	Tentative Permit, Page 40, Provision IV.5.C. and Provision IV.6.	Disparate treatment of data that is less than the MDL or ML.	In Section 5.C., the value of zero is used in place of data that is less than the MDL or is in the DNQ range. In Section 6, one half the MDL is used in place of data that is less than the MDL and the estimated value is used for DNQ. All less than MDL and DNQ data should be handled per Section IV.5.C.
<b>Response:</b>	Regional Board staff disagree. Section IV.5.D. is specifically designed for testing a group of constituents, ex. PCBs. Section IV.6. is for testing an individual constituent. However, there is a typographic error in Section IV.6, which is revised as "In calculating mass emission rates from the monthly average concentrations, <u>for compliance purpose, use one half of the method detection limit for constituents reported as "Not Detected" (ND) and the estimated concentration for or "Detected, but Not Quantified" (DNQ) to have concentrations equal to zero for the monthly average concentration. To be consistent...the monthly average concentration.</u> "		
<b>Action:</b>	Changes have been made.		
105	Tentative Permit, Page 40, Provision IV.5.D.	Inappropriate Standard	The last sentence of this section refers to a coliform 7-day median standard. Since TITP is not built to disinfect its tertiary effluent, this Tentative Permit requirement is inappropriate. The City requests removal of all references to disinfection of tertiary effluent and associated monitoring requirements from this Tentative Permit.
<b>Response:</b>	Regional Board staff agreed.		
<b>Action:</b>	Changes have been made.		
106	Tentative Permit, Page 40, Provision IV.6.	Calculating Mass Emission Rates	<p>The text of the Tentative Permit reads:</p> <p>"In calculating mass emission rates from the monthly average concentrations, use one half of the method detection limit for "Not Detected" (ND) and the estimated concentration for "Detected, but Not Quantified" (DNQ) for the calculation of the monthly average concentration. To be consistent with section II.E.3., if all pollutants belonging to the same group are reported as ND or DNQ, the sum of the individual pollutant concentrations should be considered as zero for the calculation of the monthly average concentration."</p> <p>The Regional Board apparently has recognized the difficulty of averaging multiple results where the data set contains combinations of numeric values, DNQ and ND, because in the Compliance Determination section, the requirement directs the use of the median in place of the average in such cases. However, the calculation of mass emission rates does not apply the same reasoning. Therefore, it is inconsistent with the calculation of monthly</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			average/median concentration and will give results that do not correspond with one another. For example, there were 5 copper results for TITP effluent in Oct. 2004 (three were ND and two were DNQ). If the requirements of this Tentative Permit were applied, the monthly average would use the median and the result would be ND (not detected). But, the mass emission would first calculate a monthly average concentration of 5 ug/L, giving a mass emission rate of 1.25 lb/day. So, the monthly average/median concentration would be reported as ND, with a mass emission rate of 1.25 lb/day, which is non-sensical. In order to be consistent, and produce comparable results, the mass emission calculation should use the monthly average/median calculation as specified under the Compliance Determination section.
<b>Response:</b>	Regional Board staff agree. Please also see the Response to Comment No. 104.		
<b>Action:</b>	Changes have been made.		
107	Tentative Permit, Page 40, Provision VI.6.	Compliance Determination	The Tentative Permit requires the use of ½ of the MDL if result is ND and the estimated concentration if the result is DNQ for calculating mass emissions rates from monthly average concentrations. It should be noted that ½ MDL and DNQ are merely estimated results, not actual results and, therefore, should not be used to determine any actual effluent value.
<b>Response:</b>	Regional Board staff agree. Please also see the Response to Comment No. 104.		
<b>Action:</b>	Changes have been made.		
108	Tentative Permit, Page 40, Provision IV.6	Citations	The Tentative Permit states “to be consistent with section II.E.3,” but no such section exists.
<b>Response:</b>	Regional Board staff agree. Please also see the Response to Comment No. 104.		
<b>Action:</b>	Change has been made.		
109	Tentative Permit, Page 40, Provision IV.7.A.; Page 42, Provision IV.7.E.d.	Pollutant Minimization Program	The requirement for completion and <i>implementation</i> of a Pollution Minimization Plan (PMP) and for <i>implementation</i> of appropriate cost-effective control measures are contrary to the terms of Water Code §13263.3(k). <i>See accord In the Matter of Tosco Refining</i> , State Board Tentative Permit No. 2001-06 at Page 40 (March 17, 2001). For this reason, the Bureau requests that the word “implementation” be removed from these provisions related to PMPs.
<b>Response:</b>	The Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
110	Tentative Permit, Page 41, Provision IV.7.D.a.	Pollutant Minimization Program	This section requires the Bureau to consider health advisories for fish consumption in determining whether the pollutant is present in the effluent at levels above the calculated effluent limitation. However, health advisories for fish consumption due to historic contamination may have no correlation to effluent quality. Therefore, the Bureau requests

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
			that this requirement be removed from the PMP considerations for all legacy pollutants.
<b>Response:</b>	Health advisories for fish consumption are one of the areas to be considered in determining whether the pollutant is present. The unfavorable data in this area may be negated if adequate evidence and studies indicate that the contamination is caused by other sources.		
<b>Actions:</b>	No change is warranted.		
111	Tentative Permit, Page 42, Provision IV.12	Work Plans	This provision should be clarified that the detailed work plan for site-specific objectives is only due within one year of permit adoption <u>IF</u> the Bureau chooses to conduct such studies.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
112	Tentative Permit, Page 42, Provision IV.13.	Incorrectly Specified Date	The summary report is due March 31, 2005. The earliest date that the permit will go into effect is May 27, 2005. This due date needs to be corrected to be after the permit's effective date.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
113	Tentative Permit, Page 42, Provision 11	TITP storm water management	Provision 11 indicates that monitoring of TITP storm water is required under Tentative Permit No. 97-03-DWQ for industrial facilities. However, as noted in Finding 12, and as required by Effluent Limitation 2.A., all storm water from the site is routed to the headworks for treatment by TITP. Therefore, all stormwater monitoring is already covered under the TITP monitoring and reporting program. The City requests that the reference to "monitoring" of storm water in Provision 11 be removed.
<b>Response:</b>	Regional Board staff agree. The language has been removed.		
<b>Action:</b>	Change has been made.		
114	Tentative Permit, Page 42: Provision 13	Sewage spill reporting	<p>In regards to the comment "The Discharger shall submit a summary report to this Regional Board by March 31, 2005, on the management and maintenance of the Discharger collection system...."</p> <p>This requirement is included as part of the EPA/RWQCB/Santa Monica Baykeeper Settlement Agreement (Settlement Agreement), where the City is required to report on the collection system at regular frequencies throughout the year. The Bureau requests that Item No. 13 (page 42) be deleted from the TITP NPDES permit, since this reporting must already be done under the Settlement Agreement, and be reported to the RWQCB. Alternatively, the Bureau requests that the Regional Board modify the language in Item 13 to refer to the Settlement Agreement's reporting requirements for updates on management, upgrades and maintenance of the collection system.</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	This is the standard language in all recently adopted POTW NPDES permits.		
<b>Action:</b>	No change is warranted.		
115	Tentative Permit, Page 43, Provision V.1.	SIP Amendments	This first provision should be modified as follows to authorize a new RPA if the SIP is amended: "This Tentative Permit may be reopened and modified, ... upon receipt of additional data, or if the SIP is amended."
<b>Response:</b>	If the SIP is amended, the Regional board will proceed to make any necessary changes in the permit if need be.		
<b>Action:</b>	No change is warranted.		
116	Tentative Permit, Page 43, Provision V.8.	Inappropriate Reopener	This provision goes against a precedential State Board order. See SWRCB Tentative Permit No. WQO 2003-0009 at pgs. 7-10 (Sept. 26, 2003). A "legal opinion by staff council [sic]" cannot override this precedential opinion or regulations only requiring effluent limitations where reasonable potential exists. See 40 CFR §122.44; Water Code §13263.6(a). For these reasons, this reopener must be removed.
<b>Response:</b>	A Regional Board Member requested to add this reopener language in this Provision in all NPDES permits. The SIP allows Reasonable Potential to be established using BPJ and by looking at other information such as facility type, etc. It can be counsel's legal opinion that the BPJ bar has been met.		
<b>Action:</b>	No change is warranted.		
117	Tentative Permit, Page 43, Provision V.5.	Modification of Permit for New MLs	For clarity, this section should reference " <u>approved</u> MLs" to clarify that the MLs must go through an adoption process at the state or region level before they can be used in the permits for compliance purposes.
<b>Response:</b>	Only the approved MLs will be incorporated into the permit. The use of "approved" MLs in the reopener is not necessary.		
<b>Action:</b>	No change is warranted.		
118	Tentative Permit, Page 44, Provision VI.	Expiration Date	This expiration date is not five years from the date of adoption.
<b>Response:</b>	The expiration date is set at the 10 <sup>th</sup> day of the 59 <sup>th</sup> month. This is the standard format in all recently adopted NPDES permits.		
<b>Action:</b>	No change is warranted.		
119	Attachment F: Fact Sheet	Correct Referenced NPDES Number	Please correct Fact Sheet header pages, which reference a different permit, "CA0053911," to reflect this permit, "CA0053856".
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
120	Attachment F: Fact Sheet, F-1	Plant contact person	Change the contact person to Mr. George Raymond



**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
121	Attachment F: Fact Sheet, Page F-5, Description of Facility and Treatment Process, Section 3 B - C	Biosolids	TITP's biosolids are hauled to Kern county. The references to San Diego, Riverside, and Los Angeles counties should be removed.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
122	Attachment F: Fact Sheet, Page F-6, Facility description, Section 8-B.	AWTF Description	The reference to AWTF producing an estimated of 6.75 MGD since 2003 should be removed. AWTF has not yet delivered any water to the Gap or the harbor generating station. For these reasons, this section needs to be revised and updated.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
123	Attachment F: Fact Sheet, Pages F-8 through F-9, Table F2	Corrected Effluent Data Tables	See Attachment 6 for corrected Effluent Data Table F2.
<b>Response:</b>	See the Response on Comment No. 11.		
<b>Action:</b>	Some change has been made.		
124	Attachment F: Fact Sheet, Page F-29, Section X D(a)	Total Recoverable Metals	<p>The metals limits were justified based on the following: "the constituent concentration in receiving water is higher than water quality criteria of this constituent. Therefore, dilution credit is not applicable for this constituent." However, the "Total Metals" sample digestion procedure was used to prepare the samples whose data was used to make this determination. The "Total Recoverable" sample digestion procedure, explicitly specified in the CTR, is less rigorous than the "Total Metals" preparation procedure used by the Bureau.</p> <p>The Bureau commits to gather an additional year of receiving water background concentration data for these metals utilizing the "Total Recoverable" metals digestion procedure. At that time, the Regional Board can reevaluate if a dilution credit can continue to be applied. For these metals, the Bureau would like this data evaluated independently of the previously collected data, and requests that a provisional dilution credit be granted until new data is available.</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	Reasonable Potential Analysis was conducted for all priority pollutants. In doing the RPA, Regional board staff used all available data which had been submitted by the Discharger to the Regional Board Office. Since the ambient metals concentrations were higher than the applicable CTR criteria (discharge has reasonable potential to contribute to an exceedance of the applicable CTR criteria), it was not possible to grant dilution credits for those metals. According to SIP Section 1.4.2.1., dilution credits may be limited or denied on a pollutant by pollutant basis, which may result in a dilution credit for all, some, or no priority pollutants in a discharge. The SIP does not authorize "provisional" dilution credits. If in the future, the City can provide other data, which demonstrates that a dilution credit is warranted, then the permit may be reopened and revised at a later date.		
<b>Action:</b>	No change is warranted.		
125	Attachment F: Fact Sheet, Page F-31 table and Page F-39, Section B.j.	Inappropriate Application of Drinking Water Standards	See comments 70 and 71 above.
<b>Response:</b>	Please see the Response to Comment No. 26.		
<b>Action:</b>	No change is warranted.		
126	Attachment F: Fact Sheet, Page F-37, Section B.g.i	Proposed Effluent Limitations	Since TITP is not built to disinfect its tertiary effluent, this Tentative Permit requirement is inappropriate. The City requests all references to disinfection of tertiary effluent and associated monitoring requirements be removed from this Tentative Permit.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
127	Attachment F: Fact Sheet, Page F-39	Explanation of Temperature Requirements	Other parameters limitations are explained here except "Temperature". An explanation of how the limit of 86 degrees Fahrenheit was derived should be included here. Furthermore, as explained in the Bureau's Attachment A, Detailed Discussion of Major Issues, there is no need to reduce the temperature limit from the limit included in the last permit since the proposed change would make no real difference in the receiving water temperature, but would present a potential compliance problem for the Bureau.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
128	Attachment F: Fact Sheet, Page F-40, Section iv.	Chronic toxicity	The Regional Board should add a 1.67 TUc (abalone) alternative to the monthly median trigger of 1.0 TUc. The Chronic toxicity limitation and requirements do not take into account using 60% effluent in the case of abalone ( <i>Haliotis</i> ) testing.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
129	Attachment F: Fact Sheet, Page F-43, Step. 3 ii, and F-45,	Typographical errors	The ECA multipliers specify "acute" for both acute and chronic multipliers:  ECA Multiplier acute = 0.380 and

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
	Step. 3 ii		ECA Multiplier acute = 0.589.  ECA Multiplier acute = 0.281 and ECA Multiplier acute = 0.481.  Change the second "ECA Multiplier acute" to "ECA Multiplier chronic."
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
130	Attachment F: Fact Sheet, Page F-48, Section D.	Typographical error	"...submitted documentation the efforts..." should be "...submitted documentation <b>of</b> the efforts..."
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
131	Attachment N: Standard Provisions, Page N-11, Section 8.	Due date change for annual report	The Bureau requests that the Regional Board change the due date of March 1 for Annual Report to match the date required in Attachment T page T-1 of April 15 <sup>th</sup> .
<b>Response:</b>	Regional Board staff cannot revise the language of Standard Provisions. However, the due date for the annual report in Section I.2. is April 15. Staff have also included language regarding conflicts between the permit and MRP, the Pretreatment Reporting Requirements, and Standard Provisions in Section IV.3. of the permit.		
<b>Action:</b>	No change is warranted.		
132	Attachment N: Standard Provisions, Page. N-17, Items 5 and 7.	Daily Maximum	Definitions of "Daily Maximum" and "Grab Sample" have conflicting wording and need further clarification.  Daily Maximum says -- the results to be compared to the "daily maximum" limits are based on "composite samples."  Grab Sample says -- used primarily in determining compliance with "daily maximum" limits and the "instantaneous maximum" limits.
<b>Response:</b>	For clarification, the following has been revised to Footnote [2] of Section I.2.B.a.&b. as " <u>The daily maximum effluent concentration limit shall apply to flow-weighted 24-hour composite samples. It may apply to grab samples if the collection of composite samples for those constituents is not appropriate because of instability of the constituents.</u> "		
<b>Action:</b>	Changes have been made.		
133	Attachment P: Pretreatment Reporting	Annual Reporting Requirements	Revise the 4 <sup>th</sup> paragraph on Page P-1 as follows: "Sludge shall be sampled and analyzed for the same pollutants as the influent and effluent <del>sampling and analysis</del> ".

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
	Requirements, Page P-1, Section A.1., paragraph 4		
<b>Response:</b>	Regional Board staff disagree. This is standard language in all adopted POTW's NPDES permits.		
<b>Action:</b>	No change is warranted.		
134	Attachment P: Pretreatment Reporting Requirements, Page P-3, Section A.7.	Pretreatment Reporting Requirement for Public Participation	<p>Revise Section A.7, "A summary of public participation" as follows:</p> <p>"The <del>Discharger</del> <u>City</u> is required to provide a summary of public participation of pretreatment program in the Annual Report. The summary should describe activities to involve and inform the public of the program, <del>including a copy of the newspaper notice required under 40 CFR 403.8(f)(2)(vii).</del> <u>A copy of the newspaper notice required under 40 CFR §403.8(f)(2)(vii) should be included in the Semi-Annual Report.</u>"</p>
<b>Response:</b>	Regional Board staff disagree. This is standard language in all adopted POTW NPDES permits.		
<b>Action:</b>	No change is warranted.		
135	Attachment P: Pretreatment Reporting Requirements, Page P-3, Section A.7.	Pretreatment Requirements	<p>In accordance with 40 C.F.R. Part 403, Pretreatment Regulations, at Section 403.12(e)(1), any industrial user shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the Approval Authority, a report indicating the nature and concentration of pollutants in effluent. Furthermore, at the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted. The federal regulation allows the Control Authority the flexibility to require reports more frequently than at the specified minimum requirement.</p> <p>The City's pretreatment program requirement for report submittal is more frequent than the federal requirement. Industrial users are to submit reports on a monthly, bimonthly, quarterly, semiannually, and annual basis. Because industrial users are required to monitor for pollutants during the month of December, reports are due in January.</p> <p>The City has established a report submittal due date of 15 days immediately following the end of the industrial user monitoring period. The report submittal due date is taken from the EPA Total Toxic Organics Guidance Manual, Chapter 2.2.4 – Industrial User Semi-Annual Compliance Report. The guidance manual states that the self-monitoring reports should be required to be submitted within fifteen calendar days of the date on which the last sample analysis is received. If the monitoring period ends in December, the City requires the industrial user to submit the report no later than the 15th day of the following month. If monitoring is performed in the month of December, the report is due no later than January 15th.</p> <p>In accordance with 40 C.F.R. Part 403, Pretreatment Regulations, at Section</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			<p>403.8(f)(2)(vii)(F), an industrial user is in significant noncompliance if it fails to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules. The industrial user has until February 15th to submit the required report after the January 15th report due date if monitoring occurred in December to avoid SNC.</p> <p>On September 9, 1991, the EPA issued the Memorandum titled, Application and Use of the Regulatory Definition of Significant Noncompliance for Industrial Users. Page 2 of the Memorandum states that the regulation defining SNC clearly requires all measurements taken in the appropriate six-month period must be used to determine a facility's SNC status. To meet this requirement, the City must ensure that all industrial user measurements obtained are in compliance with appropriate sampling techniques and procedures established in 40 CFR Part 136. Verification of industrial user sampling results can range from 15 to 45 days (April 1st) after the SNC reporting period due date (February 15th).</p> <p>After industrial user sampling results have been verified, the SNC list is finalized. It will take approximately 30 days (April 30th) to prepare board reports, brief commissioners, and obtain Board of Public Works approval to publish the SNC list. After the Board of Public Works approves the SNC list, an additional 15 days (May 15th) is necessary to publish the SNC list in the largest newspaper.</p> <p>In Section II.F.4. of the EPA published Guidance Document For Conducting a Pretreatment Compliance Inspection (PCI), dated September 11, 1991, it is stated that the inspector should obtain a copy of the Control Authority's (CA) publication of significant violators (if a copy is not in the CA's pretreatment program performance report to EPA or the State). The PCI guidance document allows the POTW flexibility whether or not to include the published SNC list as part of the pretreatment annual report.</p> <p>It is the Bureau's opinion that the published SNC list does not have to be included in the pretreatment annual report based on the interpretation of EPA regulations, memorandums, and guidance documents. Furthermore, there is no definite deadline date established for publishing the SNC list. The Bureau believes that the SNC list publication schedule, as shown in the Attachment 4, is sufficient allowing data verification and built-in flexibility necessary to publish a complete and accurate SNC list. Therefore, the Bureau is proposing that a copy of the newspaper notice required under 40 C.F.R. section 403.8(f)(2)(vii) be included in the Semi-annual Report required under this NPDES Permit.</p>
<b>Response:</b>	Regional Board staff disagree. This is standard language in all adopted POTW NPDES permits.		
<b>Action:</b>	No change is warranted.		
136	Attachment P: Pretreatment	Semi-Annual Report	The Tentative Permit requires submission of a Semi-Annual Pretreatment Program Compliance Report (Semi-Annual Report), which covers the periods from January 1 to June

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
	Reporting Requirements, Page P-3, Section B.		30, and which is due by August 15 <sup>th</sup> of each year. The Bureau requests that the Regional Board change the due date of the January 1 to June 30 semi-annual compliance report from August 15 to <u>September 1</u> of each year. This will provide two months after the end of the reporting period to prepare the report and would make this requirement consistent with the two months given for the preparation of the annual report.
<b>Response:</b>	Regional Board staff cannot revise the language of Pretreatment Reporting Requirements. However, the report date has been changed from August to September 1 of each year in Section III.6. of the accompanying permit. Staff have also included language regarding conflicts between the permit and MRP, and the Pretreatment Reporting Requirements.		
<b>Action:</b>	Change has been made.		
137	Attachment T: Monitoring and Reporting Program (M&RP)	Typographical errors	The Tentative Permit contains several typographic errors, which use the singular "analysis" instead of the plural "analyses."
<b>Response:</b>	Regional Board staff disagree.		
<b>Action:</b>	No change is warranted.		
138	Attachment T: M&RP, Page T-1, Section 2. and Page T-2, Section 7.	Data Submission	Annual report data is the same that is submitted monthly by the Bureau during the year. The Tentative Permit should specify that the Bureau is not required to submit the same data twice. Furthermore, the Bureau requests removal of the requirement for Annual Report submittal once the State's electronic submittal program (e-SMR) becomes fully operational.
<b>Response:</b>	As described in section I.2. the annual summary report should contain a discussion of the previous year's influent/effluent analytical results, as well as graphical and tabular summaries of the monitoring analytical data. In addition, it should also discuss the compliance record and any corrective actions taken or planned that may be needed to bring the discharge into full compliance with waste discharge and permit requirements. We believe that this information is necessary in order to ascertain compliance.		
<b>Action:</b>	No change is warranted.		
139	Attachment T: M&RP, Page T-1, Section I.2.	Annual Report Due Date	Since the permit will not go into effect until after April 15, 2005, the due date for the first Annual Report, required under this permit, should be changed to April 15, 2006 covering the calendar year 2005.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
140	Attachment T: M&RP, Page T-2, Section 5.	RPA Required with Each Annual Report	The Tentative Permit requires the submittal of a reasonable potential analysis (RPA) for all constituents as part of the Annual Monitoring Report. The Bureau believes that the submittal of the Bureau's RPA with the Annual Monitoring Report is not appropriate. An RPA is to be calculated independently by the Regional Board, using the data provided in the report. See accord 40 C.F.R. §122.44(d)(1)(ii) ("the permitting authority" is required to determine the existence of reasonable potential).

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
<b>Response:</b>	This is standard language in recently adopted POTW NPDES permits. Please also see the Response to Comments in the Cover Letter.		
<b>Action:</b>	No change is warranted.		
141	Attachment T: M&RP, Page T-2, Section II. 1.	Sampling Time	<p>It is unclear whether this provision refers only to effluent sampling or all sampling. During HTP permit development discussions conducted in early 2001 at the Regional Board, consensus was reached regarding the use of seasons, defined by three-month intervals. For receiving water monitoring, the Bureau requests that the Regional Board replace specified months with seasons as follows:</p> <p><del>“Quarterly effluent analysis and sampling shall be performed during the months of February, May, August, and November. Winter (Jan, Feb, Mar), Spring (Apr, May, Jun), Summer (Jul, Aug, Sep), and Fall (Oct, Nov, Dec). Semiannual analysis and sampling shall be performed during the months of February and August. Winter (Jan, Feb, Mar) and Summer (Jul, Aug, Sep). Annual analysis and sampling shall be performed during the month of August. Summer (Jul, Aug, Sep).”</del></p>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Some changes have been made. We used first, second, third, and fourth quarter to replace Winter, Spring, Summer, and Fall, respectively.		
142	Attachment T: M&RP, Page T-3, Section 3.	Chain of Custody (COC) Requirements	Attachment T requires that a copy of the COC shall be submitted with the monthly report. If the COCs are included in the monthly report for every piece of data, the document will be voluminous. For this reason, the Bureau requests that the Regional Board change the last sentence from <u>“Proper chain of custody----with the monthly report”</u> to <u>“Proper chain of custody procedures must be followed and the discharger shall retain the documentation in its files and make available for inspection and/or submit them when requested by the Regional Board and /or USEPA.”</u>
<b>Response:</b>	Regional Board staff use Chain of Custody documentation as the first step in determining the quality of data. <u>All</u> dischargers are required to submit Chain of Custody documents.		
<b>Actions:</b>	No change is warranted.		
143	Attachment T: M&RP, Page T-3, Section 4.	Range for Bacterial Analyses	The range of 2 to 16,000 MPN per 100 mL for bacterial analyses applies only when the membrane filtration (MF) method is used. The detection limit and calculated values for the chromogenic substrate (CS) will be different than MF and, in some instances, may reach an upper limit of 24,000 MPN/100mL. The Bureau requests the limit be changed to $\leq 2$ to $\geq 16,000$ MPN or CFU/100mL, so that either method could be used and the appropriate lower and upper detection limits can be applied.

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
<b>Response:</b>	Regional Board staff agree to make some changes as follows: "For all bacteriological analyses, sample dilutions should be performed so the <u>expected range of values is bracketed (for example, with mutiple tube fermentation method or membrane filtration method, extends from 2 to 16,000 per 100 ml for total and fecal coliform, at a minimum, and 1 to 1000 per 100 ml for enterococcus)</u> . The detection methods used for each analysis shall be reported with the results of the analyses."		
<b>Action:</b>	Changes have been made.		
144	Attachment T: M&RP, Page T-3, Section II.4; Page T-5. Section 7.B; Page T-22, B.a and B.b; Page T-30, 3.	Fecal Coliforms	The CS method uses an <i>E. coli</i> analysis as an estimate of fecal coliform density; therefore, the Bureau requests fecal coliform be changed to fecal coliform <u>or <i>E. coli</i></u> , in the locations identified here and throughout the document. In these locations, "MPN/100 ml" should be changed to "MPN <u>or CFU</u> /100 ml.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
145	Attachment T: M&RP, Page T-3, Section III.1	Inconsistent Requirements	The Reported Minimum Level (RML) field is currently unavailable in the CIWQS EDF upload format. In addition, other inconsistencies exist between TITP/HTP/CIWQS reporting requirements. The Regional Board should create a uniform data-reporting scheme, compatible with CIWQS, for use in all NPDES permits including this one.
<b>Response:</b>	The State Board is in the process of developing a standardized permit format, which will be used in the near future. However, until that process is complete, we will continue to write permits consistent with those we have issued in the past.		
<b>Action:</b>	No change is warranted.		
146	Attachment T: M&RP, Page T-3, III.1, Reporting Requirements	Consistency of Reporting Requirements for all City Treatment Plants	<p>The text of the M&amp;RP reads:</p> <p>"The monitoring report shall specify the USEPA analytical method used, the Method Detection Limit (MDL), the minimum level (ML) and the RML for each pollutant. The MLs are those published by the State Board in the <i>Policy for the Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California</i>, March 2, 2000, Appendix 4. The ML represents the lowest quantifiable concentration in a sample based on the proper application of all method-based analytical procedures and the absence of any matrix interference. When all specific analytical steps are followed and after appropriate application of method specific factors, the ML also represents the lowest standard in the calibration curve for that specific analytical technique. When there is deviation from the method analytical procedures, such as dilution or concentration of samples, other factors may be applied to the ML depending on the sample preparation. The resulting value is the reported minimum level."</p> <p>The text of the TITP M&amp;RP is clear about the definition of RML and the distinction between RML and ML. However, the proposed Hyperion permit was not clear in this respect and, in fact, only required reporting RML (and, thus, is inconsistent with the proposed TITP M&amp;RP).</p>



**Response to Bureau of Sanitation Comments**  
**On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
			Because the Bureau has both a LIMS database and a data warehouse for reporting, the Bureau needs to have consistent requirements in all four of the City's permits on the definitions of ML and RML. Otherwise, data management becomes an undue burden for the City.
<b>Response:</b>	Regional Board staff disagree. The TITP discharge is regulated by the provisions of the SIP. The Hyperion discharge is regulated by the provisions of the California Ocean Plan. The State Board is in the process of developing a standardized permit format, which will be used in the near future. However, until that process is complete, we will continue to write permits consistent with those we have issued in the past.		
<b>Action:</b>	No change is warranted.		
147	Attachment T: M&RP, Page T-3, III.1, Reporting Requirements	Consistency with CIWQS (eSMR)	<p>The requirements to report both ML and RML should be coordinated with the State Board's project for electronic self-monitoring reports (eSMR) using the CIWQS database. It appears that the CIWQS database only has one field to handle the ML (RML).</p> <p>The Regional Board is scheduled to go to eSMR near the end of 2005. If this is the case, and CIWQS can only handle one field for ML (RML), then the new TITP permit should not require reporting of both fields.</p> <p>The Permits use RML for determining DNQ, therefore RML should be the required field to be reported. The requirement for reporting ML should probably be removed if CIWQS cannot handle it. The definition of ML and RML and the relation between the two should remain.</p> <p>Since the Bureau will report the USEPA Analytical Method with the results, the State already knows what the MLs are for those methods (from their own published lists). Therefore, the requirement for reporting the ML used is unnecessary. The reporting of RML alone should suffice.</p>
<b>Response:</b>	Please see the Response to Comment No. 145.		
<b>Action:</b>	No change is warranted.		
148	Attachment T: M&RP, Page T-4, III.4.B, Reporting Requirements	Requirement for Inclusion of the Words "Est. Conc."	<p>The text of the M&amp;RP reads:</p> <p>"Sample results less than the RML, but greater than or equal to the laboratory's MDL, must be reported as "Detected, but Not Quantified", or DNQ. The laboratory must write the estimated chemical concentration of the sample next to DNQ as well as the words "Estimated Concentration" (may be shortened to Est. Conc.)"</p> <p>The requirement to include the words "Est. Conc." next to the estimated value is cumbersome. There are better ways of handling this, such as a column heading, an indicator with a footnote, or a j-flag. The requirement should simply state that the estimated concentration should be reported next to DNQ and indicated as such.</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	Regional Board staff agree to remove the statement of "Estimated Concentration (may be shortened to Est. Conc.)".		
<b>Action:</b>	Change has been made.		
149	Attachment T: M&RP, Page T-5, Section III.7.D.	Reporting Deadline Too Short	Depending upon the constituents of concern, it may not be possible to report all spill data within five working days. The text should be revised to specify 5 days for operationally reportable constituents, with an extended deadline for specific constituents on a case-by-case basis at the request of the Bureau.
<b>Response:</b>	Regional Board staff agree to revise the statement as follows: "Regional Board notification shall be followed by a written <u>preliminary</u> report five working days after verbal/electronic notification. <u>Within 10 days after submitting preliminary report, the Discharger shall submit the final written report to this Regional Board.</u> The written report shall..."		
<b>Action:</b>	Changes have been made.		
150	Attachment T: M&RP, Page T-5, Section. 7 A, D	Sewage Spill Documentation	These reporting requirements were not in the previous permit. The Bureau requests that the spill documentation and response report be deleted from the NPDES permit's Annual Report. Currently, Wastewater Collection Systems Division is documenting and reporting the spill response information to the Regional Board, and if the Division continues to be responsible for the report then incorporating these reports again into the Annual Report will be redundant.
<b>Response:</b>	Regional Board staff disagree. This is standard language in all recently adopted NPDES permits.		
<b>Action:</b>	No change is warranted.		
151	Attachment T: M&RP, Page T-5, Section 7.B	SSO Grab Sampling	This section requires the "discharger" to obtain "grab samples" for spills, overflows, or bypasses that reach receiving waters. The turnaround for grab sample results from the lab could be from 1 -3 days, therefore monitoring until levels return to normal levels may not be practical or cost effective. This section also does not specify the volume of spill that reaches a receiving water, and depending on how far from a receiving body a spill occurs, calculations will need to be made to determine exactly when the spill is anticipated to reach the receiving body. This requirement would cause a major impact to current spill reporting practices, and would need to utilize additional staffing which the Bureau doesn't have to ensure point of discharge is traced and monitored. The Bureau requests that current reporting and monitoring practices be maintained for spills.
<b>Response:</b>	For the cost issue, please also see the Response to Comment No. 96. The Regional Board staff revise the first sentence as follows: "For <u>any</u> spills,..."		
<b>Action:</b>	Some change has been made.		
152	Attachment T: M&RP, Page T-5, No. 7C	SSO Limited Pollutants of Concern	The section requires the analysis of a grab sample for "limited pollutants of concern depending on the area and nature of the spill." However, the term "limited pollutants of concern" is not defined nor is the "size or nature" of the spill defined. Again, as written, this would be cost and personnel prohibitive. The Bureau again requests that these requirements be deleted and current reporting and monitoring practices be maintained for

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
			spills.
<b>Response:</b>	Regional Board staff disagree. The Discharger should have a better understanding on the limited pollutants of concern depending on the area and nature of spills or overflows. We have changed the phrase "limited pollutants of concern" to "relevant pollutants of concern". The Bureau needs to determine the list of pollutants to be analyzed after considering the characteristics of collection areas of the spilled wastewater. This includes toxicity testing.		
<b>Action:</b>	Minor change has been made.		
153	Attachment T: M&RP, Page T-5, No. 7D ■	SSO Monitoring Results Turn-Around Time	The requirement to notify the Regional Board within five working days is not be feasible if monitoring results are not available within that time frame. The Bureau requests that no additional sampling be done, outside of what currently exists with regards to spill response, monitoring and reporting and that these requirements be removed from the Tentative Permit.
<b>Response:</b>	Please see the Response to Comment No. 149.		
<b>Action:</b>	Changes have been made.		
154	Attachment T: M&RP, Page T-6, Section IV	Monitoring Requirements	There are 2 sections entitled "Monitoring Requirements." (Section II and IV) They should be grouped together or rename Section IV to "Regional Monitoring Requirements" because most of the paragraphs cover the requirements for regional monitoring.
<b>Response:</b>	Regional Board staff agree to revise Section II as "GENERAL MONITORING REQUIREMENTS" and Section IV as "REGIONAL MONITORING REQUIREMENTS".		
<b>Action:</b>	Changes have been made.		
155	Attachment T: M&RP, Page T-7, Section 4.C., Paragraph 2, and Section 5., paragraph 1	Typographical Errors	The phrase "...proposed_special studies" should be "...proposed special studies" Delete the underscore.  "Bight wide" should be "Bight-wide."
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
156	Attachment T: M&RP, Page T-7, 4B, last paragraph	Monitoring Requirements	The Tentative Permit requires that: "The Discharger shall participate in regional monitoring activities coordinated by SCCWRP.....approved by the Regional Board and USEPA." This requirement should be clarified that such activities may take place in conjunction with routine monitoring. In which case, regional monitoring may be conducted in lieu of routine monitoring through resource exchange with approval by the Regional Board.
<b>Response:</b>	This is standard language in all recently adopted NPDES permits for discharges that can impact the water quality of the Southern California Bight.		
<b>Action:</b>	No change is warranted.		
157	Attachment T:	Total Coliform, Fecal	Since TITP is not built to disinfect its tertiary effluent, this Tentative Permit requirement is

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
	M&RP, Page T-9, Section VI.3; Page T-10, Footnote [1].	Coliform and Enterococcus	inappropriate. The City requests all references to disinfection of tertiary effluent and associated monitoring requirements be removed from this Tentative Permit.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
158	Attachment T: M&RP, Page T-10	CTAS.	The Bureau requests deletion of the CTAS analysis, and retention of MBAS only for surfactant monitoring. CTAS measures nonionic surfactants. "In U.S., ionic surfactant amounts to about two-thirds of the total surfactants used, and nonionic to about one-third." (Standard Methods, 20 <sup>th</sup> Edition). MBAS measurements will capture the ionic surfactants. A CTAS monitoring requirement was not included in any of the Plant's current or previous NPDES permits.
<b>Response:</b>	Regional Board staff disagree. CTAS monitoring has been included in all recently adopted POTW NPDES permits.		
<b>Action:</b>	No change is warranted.		
159	Attachment T: M&RP, Page T-10, VI.3, Effluent Monitoring Requirements	Remaining EPA Priority Pollutants	The requirement for "Remaining EPA priority pollutants" should have a footnote referring to a published document that lists these pollutants, such as 40 C.F.R. §131.38(b).
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
160	Attachment T: M&RP, Page T-10, VI.3, Effluent Monitoring Requirements	CTR Numbers	The CTR # should have a footnote with a definition, as given in the Tentative Permit, to explain the meaning of this number.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
161	Attachment T: M&RP, Page T-11, Sec 4.A.a.	Acute Sampling	There is no mention of the type of sample that should be collected. In the chronic toxicity testing section, the type of sampling required is mentioned in the text. The Bureau requests that grab samples be used for acute testing. This should be stated in the Tentative Permit.
<b>Response:</b>	Regional Board staff agree to revise the statement as follows: <b>"Methods and Test Species - The Discharger shall conduct the acute toxicity tests on 24-hour composite effluent samples in accordance with the following protocols. The presence of ..."</b>		
<b>Action:</b>	Change has been made.		
162	Attachment T: M&RP, Page T-11,	Test Protocol for Acute Toxicity Tests	The acute protocol calls only for EPA/600/R-35/136, 1995. The Bureau requests this section be modified to allow the option of using acute protocol EPA 821-21-R-02-012, 2002

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
	Sec 4.A.a.		or EPA/600/R-35/136, 1995 for testing topsmelt ( <i>Atherinops affinis</i> ).
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
163	Attachment T: M&RP, Page T-12, Sec 4.A.a. (first full paragraph page T-12)	Toxicity Reporting	The Tentative Permit states that the City may elect to report the results or endpoint from the first 48 hours of the chronic toxicity tests as the results of the acute. The Bureau agrees with the use of the first 48 hours of the chronic test as the results of the acute test as this will provide a time-saving substitute for running an additional acute test.
<b>Response:</b>	The City is in favor of this, so no response is necessary.		
<b>Action:</b>	No change is warranted.		
164	Attachment T: M&RP, Page T-13, Sec 4.B.b.i.	Chronic Screening	The Bureau agrees that if, in the first suite of tests, the same species is the most sensitive, and then the re-screening does not need to include more than one suite of tests. If a different species is the most sensitive or if there is ambiguity, then the Bureau shall proceed with the suites of screening tests for a minimum of three, but not to exceed five suites.
<b>Response:</b>	The City is in favor of this, so no response is necessary.		
<b>Action:</b>	No change is warranted.		
165	Attachment T: M&RP, Page T-13, Section d.	Tentative Permit No. R4-2005-XXXX	The Regional Board should insert the correct Tentative Permit Number once given.
<b>Response:</b>	Once the permit is adopted, the final Order No. will be assigned.		
<b>Action:</b>	No change is warranted.		
166	Attachment T: M&RP, Page T-14, Section i., and throughout toxicity section	1.0 TUc Trigger	Throughout this Toxicity section, each mention of 1.0 TUc trigger should also note a 1.67 trigger when <i>Haliotis</i> is used as the test animal.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
167	Attachment T: M&RP, Page T-17, Section F.b.i.	Due date of Toxicity Test Results.	The full report shall be submitted by the end of the month in which the DMR is submitted. This section should read "by the fifteenth day of the third month following each monthly sampling period". Otherwise, this provision conflicts with monthly reporting due date specified on Page T-1
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
168	Attachment T: M&RP, Page T-17, Sec 4.F.b.iii. (bullet 7)	Test Duration	The Tentative Permit states that test results shall be reported as the mean percent mortality after 96 hours in 100% effluent. This contradicts Attachment T, Sec IV, pg T-12, paragraph 1, which implies 48 hours for the acute test duration. The Bureau would like clarification on which test duration should be used.
<b>Response:</b>	Regional Board staff revise Bullet 7 as follows: "Mean percent mortality (+standard deviation) after 96 hours <u>(or applicable test duration)</u> in 100% effluent (if applicable).		
<b>Action:</b>	Change has been made.		
169	Attachment T: M&RP, Page T-18, Section VII. 1.	Navigational Requirements	The state of the art navigation is Differential Global Positioning System (DGPS). Loran-C instrumentation is no longer supported. The Bureau suggests the following wording change:  "All receiving water stations, except the S1 and S2 stations (shoreline stations at Cabrillo Beach), shall be located by state of the art navigational methods (e.g., <del>Mini Ranger, Loran C instrumentation,</del> DGPS);"
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
170	Attachment T: M&RP, Pages T-18, T-19, T-22, T-29	Misnaming of Cabrillo Beach Stations	The Cabrillo Beach stations are misnamed on several pages as S1 and S2. They should be CB-1 and CB-2.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
171	Attachment T: M&RP, Page T-19, Section VII. 1.	Relocating Stations	The configuration of Pier 400, the shallow water habitat, and other submerged structures within the harbor are constantly changing and can either interfere with sampling operations or prevent access to the station. The Bureau requests that the Regional Board add the following language addressing the potential loss of sampling stations:  <u>"In the event that a sampling station is temporarily or permanently obstructed due to construction activities for creating new habitat, storage sites, or pier, the station may be abandoned upon notification to the Regional Board once final determination is made regarding the status of such station."</u>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
172	Attachment T: M&RP, Page T-19, Section VII. 1. A.	Corrected Coordinates	The coordinates for station HW33, located at the end of the discharge pipe are incorrect. State of the art navigational technology permits accuracy to within 3 m (10 ft) for coordinates. Corrected coordinates were obtained aboard M/V <i>Marine Surveyor</i> using both Differential Global Positioning Satellite (DGPS) and depth meter for optimal accuracy on

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
			January 18, 2005. The City requests that the Regional Board revise the coordinates for station HW33 as follows: <u>33° 43' 19.56" 118° 14' 36.24"</u>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
173	Attachment T: M&RP, Page T-19, Section VII. 1. A.	Obstructed Stations	There are 3 stations permanently obstructed by the Pier 400 Submerged Sediment Storage Site (HW22, HW42, and HW52) and shown in Figure M1. The City requests that the Regional Board remove these stations from the station list.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
174	Attachment T: M&RP, Page T-19, Section VII. 1. B.	Obstructed Stations	Three stations shown in Figure M2 are permanently obstructed by the Pier 400 Submerged Sediment Storage Site (HW22, HW42, and HW52). The Bureau requests that the Regional Board remove these stations from the station list.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
175	Attachment T: M&RP, Page T-20, Section VII. 1. C.	Obstructed Stations	Two stations shown in Figure M3 are permanently obstructed by the Pier 400 Submerged Sediment Storage Site (HM1 and HM5). The Bureau requests that the Regional Board remove these stations from the station list.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
176	Attachment T: M&RP, Page T-21, Section VII. 1. D.	Obstructed Stations	As mentioned in previous monthly NPDES reports, one station shown in Figure M4 is impacted operationally (HT7), one is obstructed (HT8), and one other station cannot be sampled (HT11) due to the Pier 400 Submerged Sediment Storage Site. The latter two stations are to be relocated and Regional Board will be notified within 15 days of the effective date of the permit as stated on page T-19 of the new locations.
<b>Response:</b>	Regional Board staff agree to revise and added a footnote as “*: Obstructed stations of HT8 and HT11 due to the Pier 400 Submerged Sediment Storage Site are to be relocated and the Regional Board will be notified within 15 days of the effective date of the Order.”		
<b>Action:</b>	Changes have been made.		
177	Attachment T: M&RP, Page T-21, Section VII. 1. F.	Obstructed Stations	There is at least one station selected for chronic Toxicity Sampling (HW42) that is permanently obstructed by the Pier 400 Submerged Sediment Storage Site. The Bureau requests the Regional Board to remove this station from the station list.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
178	Attachment T: M&RP, Page T-21,	Monitoring Frequency	The proposed sampling frequency conflicts with that recommended by Model Monitoring Program guidance (Page T-1, Section I. 3.). The City requests that the Regional Board

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
	Section VII. 2. A.a.		change the sampling frequency to quarterly, as follows: "Sampling shall consist of <del>monthly</del> <u>quarterly</u> water quality <u>surveys for</u> water quality profiles <del>and</del> , weather and sea-surface observations, <del>and discrete samples conducted during Winter (Jan, Feb, Mar), Spring (Apr, May, Jun), Summer (Jul, Aug, Sep), and Fall (Oct, Nov, Dec)</del> ".  Also, please modify the table by replacing "monthly" with " <u>quarterly</u> " for each parameter listed.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
179	Attachment T: M&RP, Page T-21, Section VII. 2. A.a.	Parameters for Water Quality Monitoring	The MR&P should specify the parameters to be profiled and those only obtainable by discrete sampling. Salinity, temperature, transmissivity, dissolved oxygen, chlorophyll, and pH can be obtained by profiling. Ammonia can only be obtained by discrete samples and should be included in the second sentence with other discrete samples, to be collected at the discrete stations. The Bureau requests that the Regional Board revise the wording as follows:  "Surface discrete samples ..... for fecal coliform microbiological <u>and ammonia</u> analysis."  Also, please modify type of sample for ammonia in the table on page T-21 to read " <u>Discrete surface sample</u> ".  In addition, please add another line to the table on page T-21 for the Parameter: " <u>Fecal coliform or E. coli</u> "; Unit: <u>MPN or CFU/100 mL</u> ; Type of Sample: <u>Surface discrete sample</u> ; and Sample Frequency: <u>quarterly</u> . Also, footnote <sup>[1]</sup> on page T-28 will need modification as discussed below in comment 200.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
180	Attachment T: M&RP, Page T-21, Section VII. 2. A.a.	Parameters for Water Quality Monitoring, including Table	Measurements taken with Conductivity-Temperature-Depth (CTD) profilers are used to derive depth. The measurements are used for plotting as well as used to derive other mandated parameters in various sensors mounted on the CTD. The Bureau requests that the Regional Board utilize the format used in the HTP permit and revise the wording in the text and table as follows:  "Depth profiles <sup>[1]</sup> for salinity, temperature, transmissivity, <del>density</del> , dissolved oxygen, chlorophyll, and pH shall be conducted..."  The Bureau also requests that the Regional Board remove Density from the table.



**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	Regional Board staff agree except for density, which is an important parameter measured to verify dilution dispersion.		
<b>Action:</b>	Some changes have been made.		
181	Attachment T: M&RP, Page T-21, Section VII. 2. A. a.	Stations for Water Quality Profiling and Discrete Monitoring	Stations HW22, HW42, and HW52 are permanently obstructed. The City recommends using HW23 as a replacement for discrete sampling. The City requests that the Regional Board revise the wording as follows: "Surface discrete samples shall be taken at <del>44</del> <u>12</u> stations (HW20, <del>HW22</del> , <del>HW23</del> , HW24, HW33, <del>HW42</del> , HW44, HW49, HW50, <del>HW52</del> , HW53, HW54, HW56, HW62, and HW64, Figure M1)" and "Depth profiles <sup>[1]</sup> for salinity, temperature, transmissivity, <del>density</del> , dissolved oxygen, chlorophyll, and pH shall be conducted <del>monthly</del> quarterly at all <del>23</del> <u>20</u> stations (HW20, HW21 <del>HW22</del> , <del>HW23</del> , HW24, HW33, HW40, HW41, <del>HW42</del> , HW43, HW44, HW47, HW49, HW50, HW51, <del>HW52</del> , HW53, HW54, HW56, HW62, HW63, HW64, and HW65, Figure M1)
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
182	Attachment T: M&RP, Page T-22. B.a., table	Shoreline Monitoring and Sampling Frequency	In recognition that the TITP effluent plume does not reach the shoreline at Cabrillo Beach, this monitoring has been included in the Los Angeles Harbor TMDL. As such, shoreline monitoring at this beach should not be included in the TITP NPDES Tentative Permit. Instead, this requirement belongs in the MS4 (storm water) permit. A TMDL is being approved to address this issue. The Bureau requests this monitoring requirement be removed from the TITP Tentative Permit.  Additionally, if the requirement is not removed from the permit, then the daily sampling requirement should be revised to 5 times/week should be required. This monitoring frequency would be consistent with the agreement reached between the City and the Regional Board, SMBRC, and Heal-the-Bay (please refer to letter dated December 2, 2004 to Jonathan Bishop from Rita L. Robinson at Attachment 9).
<b>Response:</b>	Regional Board staff disagree to remove the shoreline monitoring program until it is added to the MS4 permit. The daily sampling is revised as 5 time per week. A reopener is included in the permit concerning the adoption of any relevant TMDL.		
<b>Action:</b>	Some changes have been made.		
183	Attachment T: M&RP, Page T-22, Section VII. 2. B. b.	Footnote References	Renumber footnote references with the removal of shoreline monitoring.
<b>Response:</b>	Please see the Response to Comment No. 182.		
<b>Action:</b>	No change is warranted.		
184	Attachment T: M&RP, Page T-22, Section VII. 2. A. b.	Stormy Weather Sampling	This monitoring program is conducted nearly exclusively within the Los Angeles Harbor where adverse weather conditions are a rare event. The intent of the following statement is unclear: "Sampling may be conducted at deeper depths during periods of adverse weather."

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
	PARA Attachment T: M&RP, Page T-23, Section VII. 2. B. c. PARA Attachment T: M&RP, Page T-23, Section VII. 2. C. b.		If the intent is to provide latitude to temporarily move a station beyond the 100 m radius of nominal coordinates (the constraint of standard sampling protocol) to insure sampling can be conducted, then clarification is needed.
<b>Response:</b>	Regional Board staff agree to revise the statement as "In the event of stormy weather ... a calendar year. <del>Sampling may be conducted at deeper depths during periods of adverse weather.</del> "		
<b>Action:</b>	Change has been made.		
185	Attachment T: M&RP, Page T-23, Section VII. 2. C. a.	Depth of Toxicity Monitoring Samples and Table	The wording "0.5 (mid) depth" is unclear. The City requests that the Regional Board revise the wording as follows: <del>0.5 (mid) -depth</del>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
186	Attachment T: M&RP, Page T-24, Section VII. 2. D. a. i.	Frequency of Benthic Trends Surveys and Number of Stations	The required frequency conflicts with that recommended by Model Monitoring Program guidance (Page T-1) and two stations are permanently obstructed (see above comment 175 regarding HM1 and HM5). The Bureau requests that the Regional Board revise the wording as follows " <del>Thirteen</del> <u>Eleven</u> harbor stations ( <del>HM1 HM2</del> to HM4 and HM6 to HM13) shall be sampled <del>biannually</del> <u>annually</u> -(during summer (Jul, Aug, Sep) and winter)...".
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
187	Attachment T: M&RP, Page T-24, Section VII. 2. D. b.	Number of Sediment/Chemical Monitoring Stations	Two stations are permanently obstructed (see above comment). The Bureau requests that the Regional Board revise the wording as follows "One sample (upper two centimeters) shall be collected at <del>13</del> <u>11</u> harbor stations ( <del>HM1 HM2</del> to HM4 and HM6 to HM13)..."
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
188	Attachment T: M&RP, Page T-24, Section VII. 2. D. b. ii.	Frequency of Sediment/Chemical Monitoring Surveys	Frequency of sediment chemistry monitoring of dissolved sulfides, TOC, and grain size conflicts with that recommended by Model Monitoring Program guidance (Page T-1). The Bureau requests that the Regional Board revise the sample frequency from biannual to annual.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
189	Attachment T: M&RP, Page T-25, Section c.ii. and d.i.	Typographical Errors and Mis-referenced Footnotes	The phrase "...size classed" should be "...size-classed".  Community structure analyses shall be conducted for each station [7]. Footnote reference

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			should be [12].  Ten individuals [12] . Footnote reference should be [13].
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
190	Attachment T: M&RP, Page T-25, Section VII. 2. D. c. i.	Frequency of Trawl Surveys	The proposed frequency conflicts with that recommended by Model Monitoring Program guidance (Page T-1, Section I. 3.). The Bureau requests that the Regional Board change to biannual sampling using the following wording: "Six trawling stations (HT5 to HT11, M4) shall be sampled <del>quarterly (February, May, August, and November)</del> <u>biannually in Summer (Jul, Aug, Sep) and Winter (Jan, Feb, Mar).</u> "
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
191	Attachment T: M&RP, Page T-25, Section VII. 2. D. c. ii.	Fish Measurements	Occasionally large catches of a single fish species are hauled-up in a single trawl. Considerable time is required to size class all specimens and this frequently results in the death of many fish. It has been accepted in the regional programs to collect size class measurements from aliquots of large catches of a single species of fish. In the interest of minimizing fish kills with improved operational options, the Bureau requests that the Regional Board add a provision for size class aliquots as follows:  <u>"Fish shall be size classed. An attempt should be made to size-class all fish. For the rare occasions when size classing is not possible (e.g., a huge catch of a single species), a subsample of several hundred fish should be measured. When this occurs, the reason should be noted on the data sheet."</u>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
192	Attachment T: M&RP, Page T-25, Section VII. 2. D. d.	Local Bioaccumulation Trends Survey	Hornyhead turbot was erroneously mentioned in the first paragraph and misspelled. The City requests that the Regional Board revise the wording with the following: "The data collected are used for regular assessment of temporal trends in <del>hornyhead turbot</del> <u>white croaker</u> tissue."
<b>Response:</b>	Regional Board staff disagree. However, Regional Board staff have removed white croaker and another sport fish from this section.		
<b>Action:</b>	Changes have been made.		
193	Attachment T: M&RP, Page T-25, Section VII. 2. D. d. i.	Local Bioaccumulation Trends Survey fish species	This requirement mandates that highly mobile fish be caught in the vicinity of the Cabrillo Beach fishing pier. However, the area surrounding the Cabrillo Beach fishing pier has been converted into a Shallow Water Habitat, thereby excluding highly mobile fish, such as white croaker and kelp bass. Over ten years of monitoring in the Los Angeles Harbor has abundantly demonstrated that white croaker is dependably present at trawl station HT7 and

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			<p>other sites within the harbor and that kelp bass are rarely present within the TITP discharge area or control site (HT5). "Please see the "Los Angeles Harbor Post-Pier 400 Monitoring Program Proposal" letter dated July 1996 to the RWQCB regarding sampling for white croaker alone. (See Attachment 10.)</p> <p>The current requirements conflict with recommendations by Model Monitoring Program guidance (Page T-1, Section I. 3.) in regard to sampling frequency and local seafood safety as written. The Bureau requests that the Regional Board revise the wording regarding frequency of sampling and the presence of the shallow water habitat with the following in Section VII. 2.D.d.i:</p> <p>"Muscle and liver tissue analyses for selected priority pollutants and lipids shall be conducted <del>biannually</del> annually on white croaker (<i>Genyonemus lineatus</i>) and another sport fish (e.g., kelp bass <i>Paralabrax clathratus</i>). Ten individuals<sup>[12]</sup> shall be collected by divers with spear guns or by hand, hook and line, or trawl from the <del>Cabrillo Beach fishing pier and a designated control site</del> vicinity of the TITP discharge area."</p> <p>And in Section VII. 2. D. d. iii:</p> <p>"Tissues samples from white croaker and other sport fish shall be....</p> <p>The Bureau requests that the Regional Board include wording regarding local seafood safety by adding the following as Section VII. 2. D. e. i:</p> <p><u>"e. Local Seafood Safety Survey: This survey addresses the question: "Are seafood tissue concentrations below levels that will ensure public safety?"</u></p> <p><u>i. Muscle tissue analyses for selected priority pollutants and lipids shall be conducted annually on a sport fish other than white croaker. Ten individuals<sup>[13]</sup> shall be collected by divers with spear guns or by hand, hook and line, or trawl.</u></p> <p><u>ii. Each individual muscle tissue sample shall be analyzed separately.</u></p> <p><u>iii. Tissue samples from the sport fish shall be analyzed for the following priority pollutants and other parameters: total DDT, DDT derivatives<sup>[8]</sup>, total PCB, PCB derivatives<sup>[9]</sup>, wet weight, and % lipid."</u></p>
<b>Response Action:</b>	<p>Regional Board staff agree.</p> <p>Changes have been made.</p>		
194	Attachment T, Page T-25, Section VII. 2. D. d. i.	Local Bioaccumulation Trends Survey	The Bureau notes the typographical error citing Footnote [12] instead of Footnote [13]

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
195	Attachment T, Page T-26, Section VII. 2. D. e.	Regional Monitoring	With the added provision above, the numbering needs to be adjusted to read: Section VII. 2. D. <u>f.</u>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
196	Attachment T, Page T-26, Section VII. 2. D. e.	Regional Monitoring	Regional monitoring programs, as conducted in 1994, 1998, and 2003, vary in the type of sampling and analyses depending upon the issues under consideration as determined by the respective Steering Committees. Generally, but not necessarily, the surveys include benthic, demersal fish and invertebrates, and predator risk survey. The City requests that the Regional Board provide language that provides flexibility for participating in regional monitoring as follows:  <u>"Regional monitoring may include benthic surveys, demersal fish and invertebrate surveys, and predator risk surveys, but may add or delete surveys as directed by the Steering Committee."</u>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
197	Attachment T, Page T-26, Section VII. 2. D. e. iii.	Regional Seafood Safety Survey	The Bureau requests that the Regional Board remove the Regional Seafood Safety Survey program as described. This program does not exist as a formal entity nor is regional seafood safety a part of normal regional monitoring such as Bight'98 and Bight'03. As such, participation in a non-existent program should not be legally mandated. If such a program is formalized, then the City of Los Angeles may consider participating in relevant portions of this program on a <i>voluntary</i> basis to demonstrate it's commitment to the environment. This requirement has not been demonstrated to be necessary for inclusion in the TITP NPDES permit.

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	<p>The State of California created a Coastal Fish Contamination Program (CFCP) in 1998. The objective of this Program was to obtain data to be used by OEHHA for human health assessments of fish species for coastal waters in areas commonly utilized by sport fishermen. After a few years, dedicated funding for this statewide monitoring program disappeared. The CFCP, as well as the State Mussel Watch and Toxic Substances Monitoring Programs, are included within the State's Surface Water Ambient Monitoring Program (SWAMP) and must compete for limited funding resources.</p> <p>Currently, SWAMP is underfunded and insufficient funding is available to conduct the CFCP on a statewide basis. If such a statewide program is reinstituted in the future, the City of Los Angeles will be required to participate. However, it is likely that participation in the Local Seafood Safety Survey would be adequate to cover most, if not all, of this obligation. Even if the statewide regional survey fails to materialize, the Local Seafood Safety Survey recommendations from the Santa Monica Bay Restoration Project included a broad scale resampling of several species at least once every 10 years; consequently, this element is included as a Regional Seafood Safety Survey monitoring requirement.</p> <p>The Regional Board anticipate that some type of Regional Predator Risk survey will be retained in future Bight Regional Surveys, given that this element was monitored during Bight'98 and Bight'03. Should this type of survey be discontinued, the City may consult with the Regional Board to reallocate these resources.</p>		
<b>Action:</b>	None necessary.		
198	Attachment T, Page T-26, Section e.ii.	Omitted Numbering	<p>For clarity, the following change should be made:</p> <p>"This regional survey addresses the questions: <b>1)</b> "What is the extent... and <b>2)</b> "What is the relationship..." .</p>
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Changes have been made.		
199	Attachment T, Page T-27, Section iii.	Typographical error	"Sampling design -" should be "Sampling Design -"
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
200	Attachment T, Page T-28, Footnote [1]	Depth Profile	The Bureau notes a word use error. Please replace "probes" with "sensors."
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
201	Attachment T, Page T-29, Footnotes [2] and [6]	Weather and Harbor Observations	<p>In the interest of consistency between the Hyperion and TITP NPDES permits, the Bureau requests that the Regional Board replace language in these footnotes with similar language used in the Hyperion permit as follows:</p> <p>[2] "Receiving Water Observations of water color, turbidity, odor, and unusual or abnormal amounts of floating or suspended matter in the water shall be made and recorded at</p>

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
			<p>stations. The character and extent of such matter shall be described. The dates, times and depths of sampling and these observations shall also be reported.”</p> <p>[6] “Receiving Water Observations of water color, turbidity, odor, and unusual or abnormal amounts of floating or suspended matter in the water shall be made and recorded at stations. The character and extent of such matter shall be described. The dates, times and depths of sampling and these observations shall also be reported. Daily rainfall data should be obtained from the National Weather Service for the Los Angeles Civic Center.”</p>
<b>Response:</b>	<p>Regional Board staff agree to use the following revised statements:</p> <p>[2]. Receiving Water Observations of water color, turbidity, odor, and unusual or abnormal amounts of floating or suspended matter in the water or on the beach, rocks and jetties, or beach structures shall be made and recorded at stations. The character and extent of such matter shall be described. The dates, times and depths of sampling and these observations shall also be reported.</p> <p>[6]. Receiving Water Observations of water color, turbidity, odor, and unusual or abnormal amounts of floating or suspended matter in the water or on the beach, rocks and jetties, or beach structures shall be made and recorded at stations. The character and extent of such matter shall be described. The dates, times and depths of sampling and these observations shall also be reported. Daily rainfall data should be obtained from the National Weather Service for the Los Angeles Civic Center.</p>		
<b>Action:</b>	Changes have been made.		
202	Attachment T, Page T-29, Footnote [3]	<p>Shoreline Sampling Reporting</p> <p>Major Storm Event</p>	<p>First, as described above, shoreline sampling should be deleted from this Tentative Permit. The Bureau requests that the Regional Board delete this footnote and renumber the remaining footnotes accordingly.</p> <p>Second, the footnote refers to a major storm event, but does not define one. The Regional Board has consistently used <math>\geq 0.1</math> inch to define rain events for TMDL development. Although the lower end of this range would not be a “major storm event” a rainfall value of <math>\geq 0.1</math> inch should be used in situations like this to provide consistency and a definition. Additionally, the Bureau requests the substitution of “rain event” or “wet weather event” for “major storm event”.</p>
<b>Response:</b>	<p>For the shoreline sampling, please see response on Comment No. 182.</p> <p>Footnote [3] has been revised as follows: ‘In addition to ...determined and reported. <del>Bacteriological data collected at shoreline and/or harbor stations within 48 hours following a major storm event need not be included in compliance calculations, but these data shall be provided in the appropriate monitoring reports. During a wet-weather event, stormwater runoff will impact inshore and offshore stations. The day of rain (0.1 inch and greater) plus three following days worth of bacteriology data should be excluded from Single Sample and Geomean limits.</del>’</p>		
<b>Action:</b>	Some changes have been made.		
203	Attachment T, Page T-29, Footnote [4]	Shoreline Sampling Observations	As described above, shoreline sampling should be deleted from this Tentative Permit and should not be referenced in the footnote. The Bureau requests that the Regional Board delete this footnote and renumber the remaining footnotes accordingly.

**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

Comment #	Document Reference (Doc. #, Page #, Section #, Paragraph #)	Issue	Comments
<b>Response:</b>	Please see response on Comment No. 182.		
<b>Action:</b>	No change is warranted.		
204	Attachment T, Page T-29, Footnote [3]	Corrections Needed.	The definition of "major storm event" and the number of days should match those in the TMDL Bacteriological data collected and/or harbor stations within 48 hours following a major storm event need not be included in compliance calculations, but these data shall be provided in the appropriate monitoring reports. This section should read:  "...within <del>48 hours</del> 72 hours following a major storm event of 0.1 inches or greater ..."
<b>Response:</b>	Please see response on Comment No. 202 regarding Footnote [3].		
<b>Action:</b>	No change is warranted.		
205	Attachment T, Page T-29, Footnote [7]	Community Analyses	In the interest of consistency between the Hyperion and TITP NPDES permits, the Bureau requests that the Regional Board replace language in this footnote with that used in the Hyperion permit as follows:  <u>"Community analysis of benthic infauna shall include number of species, number of individuals per species, total numerical abundance per station, and biological indices, plus utilize appropriate regression analyses, parametric and nonparametric statistics, and multivariate techniques or other appropriate analytical techniques".</u>
<b>Response:</b>	Regional Board staff agree to use the following revised statement, "Community analysis of benthic infauna shall include number of species, number of individuals per species, total numerical abundance per station, benthic response index (BRI) and biological indices, plus utilize appropriate regression analyses, parametric and nonparametric statistics, and multivariate techniques or other appropriate analytical techniques."		
<b>Action:</b>	Changes have been made.		
206	Attachment T, Page T-29, Footnote [8]	Typographical Error	Correct spelling from "2,4' Dde" spelling to "2,4' DDE".
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
207	Attachment T, Page T-30, Footnote [13]	Fish size	This footnote establishes size standards for fish collected for contaminant analysis. Gonadal index is useful for fecundancy studies, which are not part of this monitoring program. Therefore, gonadal index data need not be collected and this requirement should be excluded. Also, it includes size standards for kelp bass that have been demonstrated to be an unusual catch for the monitoring area. The Bureau requests that the Regional Board use the following language:  <del>" If the other sport fish selected is kelp bass, then all kelp bass shall be larger than 225 millimeters (standard length). Standard length, and weight, and gonadal index shall be recorded."</del>



**Response to Bureau of Sanitation Comments  
On the 03/11/05 Terminal Island Treatment Plant Tentative NPDES Order**

<b>Comment #</b>	<b>Document Reference (Doc. #, Page #, Section #, Paragraph #)</b>	<b>Issue</b>	<b>Comments</b>
<b>Response:</b>	Regional Board staff agree to delete kelp bass sentence and disagree to delete the Gonadal Index, which is used to judge the reproduction conditions, since contaminants may move into sexual organs.		
<b>Action:</b>	Some changes have been made.		
208	Attachment T, Page T-30, Section VII. 4. A. and B.	Section Removal	The Bureau requests removal of this section, as reaches within harbor are not impacted by TITP effluent discharge. There is abundant historical receiving water data indicating that the effluent discharge does not impact reaches in the Los Angeles Harbor, and are more related to TMDL regulations. Therefore, Section 4 that requires observations to be made of these reaches should be removed from the Tentative Permit.
<b>Response:</b>	These are standard observations, that should be made whenever samples are collected.		
<b>Action:</b>	No change is warranted.		
209	Attachment T, Page T-31, Section 5	Additional Reference Needed.	Page T-18 mentions effluent monitoring if filters are bypassed at TITP. This should also be referenced with regard to receiving water monitoring on page T-31, Section 5.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
210	Attachment T, Page T-31, Section 6	Time Correction	Change number of hours from 48 to 72.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
211	Figures M1 and M2	Water Quality Maps	These maps need to be modified to remove the permanently obstructed stations and add HW23 as a discrete station. Attachments 11 and 12 modify Maps M1 and M2.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
212	Figure M3	Macrofaunal and Sediment/Chemical Map	This map needs to be modified to remove the permanently obstructed stations. Attachment 13 modifies Map M3.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		
213	Figure M5	Toxicity Sampling Map	This map needs to be modified to remove the permanently obstructed stations. Attachment 14 modifies Map M4.
<b>Response:</b>	Regional Board staff agree.		
<b>Action:</b>	Change has been made.		